

The Gazette of India



PUBLISHED BY AUTHORITY

No. 39] NEW DELHI, SATURDAY, SEPTEMBER 26, 1953

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 19th September 1953 :—

Issue No.	No. and date	Issued by	Subject
230	S. R. O. 1700, dated the 15th September 1953.	Ministry of Finance (Revenue Division)	Exemption of Hessians from Customs duty when exported from India.
231	S. R. O. 1701, dated the 15th September 1953.	Delimitation Commission, India.	Final Order No. 2 in respect of the allotment of seats to the Patiala and East Punjab States Union in the House of the People and the Legislative Assembly of the State.
232	S. R. O. 1702, dated the 15th September 1953.	Election Commission, India.	Amendment made in the Notification No. 62/9/51-Elec. II (3), dated the 3rd November 1951.
233	S. R. O. 1703, dated the 7th September 1953.	Ditto.	Election Petition No. 274 of 1952.
234	S. R. O. 1733, dated the 1st September 1953.	Ditto.	Publication of the names of candidates and election agents in respect of election to the Legislative Assembly of the State of Ajmer who have incurred disqualifications under certain sections of the Representation of the People Act 1951.
235	S. R. O. 1734, dated the 1st September 1953.	Ditto.	Publication of the names of candidates and election agents in respect of election to the Legislative Assembly of the State of Himachal Pradesh who have incurred disqualifications under certain Sections of the Representation of the People Act, 1951.
236	S. R. O. 1735, dated the 7th September 1953.	Ditto.	Election Petition No. 202 of 1952.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

MINISTRY OF HOME AFFAIRS

New Delhi, the 22nd September 1953

S.R.O. 1740.—In exercise of the powers conferred by sub-section (1) of section 549 of the Code of Criminal Procedure, 1898 (Act V of 1898), the Central Government hereby directs that the following amendments shall be made in the Criminal Courts and Court-Martial (Adjustment of Jurisdiction) Rules, 1952, published in the notification of the Government of India in the Ministry of Home Affairs No. S.R.O. 709, dated the 17th April 1952, namely:—

In the said Rules—

- (1) in clause (ii) of rule 2, for the word and figures “section 69” the word and figures “section 70” shall be substituted;
- (2) in rule 3 the words “or to issue orders for his case to be referred to a Bench” shall be omitted;
- (3) after clause (c) of Rule 4, the following clause shall be inserted, namely:—
“(d) transfer the case for inquiry or trial under Section 192 of the said Code.”;
- (4) in rules 5 and 6, for the word “issued” the word “made” shall be substituted;
- (5) for rule 7, the following rule shall be substituted, namely:—
“7. (1) When an accused person has been delivered by the Magistrate under rules 5 and 6, the Commanding Officer of the accused or the competent military, naval or air force authority, as the case may be, shall, as soon as may be, inform the Magistrate whether the accused has been tried by a Court-Martial or other effectual proceedings have been taken or ordered to be taken against him.
(2) When the Magistrate has been informed under sub-rule (1) that the accused has not been tried or other effectual proceedings have not been taken or ordered to be taken against him the Magistrate shall report the circumstances to the State Government, which may, in consultation with the Central Government, take appropriate steps to ensure that the accused person is dealt with in accordance with law.”; and
- (6) in rule 8, for the word “unless” the word “except” shall be substituted.

[No. 86/53-Judicial.]

N. SAHGAL, Dy. Secy.

MINISTRY OF STATES

New Delhi, the 16th September 1953

S.R.O. 1741.—The Central Government is pleased to notify that Yuvraj Shri Pratapsinhji, son of His Highness the Maharana Raj Saheb of Wankaner has been nominated by the said Ruler, for the purposes of Entry 2(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951.

[No. 164-D.]

S.R.O. 1742.—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify

1. Maharajkumar Shri Chandrabhanusinhji; and

2. Maharajkumar Shri Rasik Kumarsinhji;

members of the family of the Ruler of Wankaner for the purposes of that entry.

[No. 165-D.]

S.R.O. 1743.—The Central Government is pleased to notify that Yuvraj Shri Jdayabhanu, son of His Highness the Maharaja Rana Saheb of Porbandar has been nominated by the said Ruler, for the purposes of Entry 2(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951.

[No. 166-D.]

S.R.O. 1744.—The Central Government is pleased to notify that Yuvraj Shri Virbhadrasinhji, son of His Highness the Maharaja of Bhavnagar, has been nominated by the said Ruler, for the purposes of Entry 2(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951.

[No. 167-D.]

S.R.O. 1745.—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify

1. Maharajkumar Shri Shivabhadrasinhji; and

2. K. S. Dharmakumarsinhji Saheb;

members of the family of the Ruler of Bhavnagar for the purposes of that entry.

[No. 168-D.]

S.R.O. 1746.—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify Rajkumar Shri Virendrasinhji, a member of the family of the Ruler of Wadhwani for the purposes of that entry.

[No. 169-D.]

S.R.O. 1747.—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify Yuvraj Shri Pravinchandrasinhji, a member of the family of the Ruler of Vala for the purposes of that entry.

[No. 170-D.]

S.R.O. 1748.—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify Captain Yuvraj Saheb Shri Jaswantsinhji, a member of the family of the Ruler of Bilkha for the purposes of that entry.

[No. 171-D.]

S.R.O. 1749.—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify Yuvraj Shri Bismillakhani, a member of the family of the Ruler of Bajana for the purposes of that entry.

[No. 172-D.]

S.R.O. 1750.—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify Yuvraj Shri Dharmendrasinhji, a member of the family of the Ruler of Muli for the purposes of that entry.

[No. 173-D.]

S.R.O. 1751.—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify Yuvraj Shri Krishnasinhji, a member of the family of the Ruler of Patdi for the purposes of that entry.

[No. 174-D.]

S.R.O. 1752.—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify

1. Major General M. S. Pratapsinhji;

2. Major General M. S. Himatsinhji;

3. Maharaj Shri Duleepsinhji; and

4. Lieutenant General M. S. Rajendrasinhji;

members of the family of the Ruler of Nawanagar for the purposes of that entry.

[No. 175-D.]

S.R.O. 1753.—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify Yuvraj Shri Shivrajkumar, a member of the family of the Ruler of Jasdan for the purposes of that entry.

[No. 176-D.]

S.R.O. 1754.—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify

1. Maharaj Bhupatsinhji;
2. Maharaj Kiritsinhji; and
3. Maharajkumar Shri Sivrajsinhji;

members of the family of the Ruler of Gondal for the purposes of that entry.

[No. 177-D.]

S.R.O. 1755.—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify Yuvraj Shri Baibnadrasinhji, a member of the family of the Ruler of Lakhtar for the purposes of that entry.

[No. 178-D.]

S.R.O. 1756.—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify Thakor Shri Mohobatsinhji Thakor of Jalia Devani for the purposes of that entry and directs that the exemption shall be valid only in respect of 1 revolver/pistol, 1 rifle, two breech loading guns and 1 M.L. gun.

[No. 179-D.]

S.R.O. 1757.—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify Gohel Abhesinh Madhavsinhji Talukdar of Katodia, for the purposes of that entry and directs that the exemption shall be valid only in respect of 1 revolver/pistol, 1 rifle, two breech loading guns and 1 M.L. gun.

[No. 180-D.]

S.R.O. 1758.—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify Vala Shri Ranawala Talukdar of Barwala, for the purposes of that entry and directs that the exemption shall be valid only in respect of 1 revolver/pistol, 1 rifle, two breech loading guns and 1 M.L. gun.

[No. 181-D.]

S.R.O. 1759.—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify T. S. Virvikramsinhji Talukdar of Lodhika, for the purposes of that entry and directs that the exemption shall be valid only in respect of 1 revolver/pistol, 1 rifle, two breech loading guns and 1 M.L. gun.

[No. 182-D.]

S.R.O. 1760.—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify

1. Desai Shri Ramnikshankar Labhshankar;
2. Desai Shri Prabhshanker Rajaram;
3. Desai Shri Kantilal Jesukhthal;
4. Desai Shri Bapubhai Sarabhai;
5. Desai Shri Ganeshbhai Keshavlal;
6. Desai Shri Har Prasad Shiv Prasad;
7. Desai Shri Markandrai Kaniyalal;
8. Desai Shri Pragatshanker Phulshanker Talukdars; and
1. Desai Shri Kamlashanker Gulabshanker;
2. Desai Shri Shantishanker Gulabshanker;
3. Desai Shri Jasvantrai Gulabshanker;
4. Desai Shri Kardamla¹ Jesukhthal;

5. Desai Shri Vainkunthlal Sevalal;
6. Desai Shri Sunderlal Nanalal;
7. Desai Shri Chunilal Nanalal;
8. Desai Shri Virpratap Balabhai;
9. Desai Shri Shivkumar Balabhai;
10. Desai Shri Pratapchandra Balabhai;
11. Desai Shri Navinchandra Valabhai;
12. Desai Shri Ishavershanker Karunashanker;
13. Desai Shri Vishnuprasad Karsanji;
14. Desai Shri Shivprasad Karsanji;
15. Desai Shri Jayandraprasad Motishanker;
16. Desai Shri Ramashanker Phulshanker;
17. Desai Shri Umiyashanker Manshanker;
18. Desai Shri Dhairyashanker Shambhuprasad;
19. Desai Shri Deviprasad Durgashanker;
20. Desai Shri Bhavaniprasad Mayashanker;
21. Desai Shri Nrusinhprasad Mayashanker;

Bhagdars of Vasavad, for the purposes of that entry and directs that the exemption shall be valid only in respect of 1 revolver/pistol, 1 rifle, two breech loading guns and 1 M.L. gun.

[No. 183-D.]

S.R.O. 1761.—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify Fanse, Shri Ramchandraraao *alias* Vijaysinhji, Talukdar of Vithalgadh, for the purposes of that entry and directs that the exemption shall be valid only in respect of 1 revolver/pistol, 1 rifle, two breech loading guns and 1 M. L. gun.

[No. 184-D.]

S.R.O. 1762.—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify Malek Mohammad Shahbirkhan, Talukdar of Zainabad, for the purposes of that entry and directs that the exemption shall be valid only in respect of 1 revolver/pistol, 1 rifle, two breech loading guns and 1 M.L. gun.

[No. 185-D.]

S.R.O. 1763.—In exercise of the powers conferred by section 27 of the Indian Arms Act, 1878 (XI of 1878), the Central Government is pleased to exempt

1. Vala, Shri Naja Mansia; and
2. Vala, Shri Jiva Mansia;

Talukdars of Manpur, from the prohibitions or directions contained in sections 13 to 15 of the said Act and directs that the exemption shall be valid only in respect of 1 revolver/pistol, 1 rifle, two breech loading guns and 1 M.L. gun.

[No. 186-D.]

S.R.O. 1764.—In exercise of the powers conferred by section 27 of the Indian Arms Act, 1878 (XI of 1878), the Central Government is pleased to exempt Vala, Shri Amra Moka, Talukdar of Alidhra, from the prohibitions or directions contained in sections 13 to 15 of the said Act and directs that the exemption shall be valid only in respect of 1 revolver/pistol, 1 rifle, two breech loading guns and 1 M.L. gun.

[No. 187-D.]

H. C. MAHINDROO, Under Secy.

New Delhi, the 21st September 1953

S.R.O. 1765.—In exercise of the powers conferred by section 2 of the Part C States (Laws) Act, 1950 (XXX of 1950), the Central Government hereby extends the Punjab Security of Land Tenures Act, 1953 (Punjab Act X of 1953), as at

present in force in the State of Punjab to the State of Bilaspur with the following modifications, namely:—

Modifications

1. In the said Act—

1. For the words "the Punjab" or "the State of Punjab" wherever they occur except in the short title of the said Act or any enactment referred to therein the words "the State of Bilaspur" shall be substituted and, for the words "State Government" wherever they occur the words "Chief Commissioner" shall be substituted.

2. References to any enactment shall be construed as reference to that enactment as applied to the State of Bilaspur.

3. In Section 1—

(a) for sub-section (3) the following sub-section shall be substituted, namely:—

"(3) It extends to the whole of the State of Bilaspur."

(b) for sub-section (4) the following sub-section shall be substituted, namely:—

"(4) Save as elsewhere expressly provided in this Act nothing contained therein shall apply to land held by co-operative farming societies during the period of their continuance, subject to their fulfilling the conditions prescribed under this Act."

4. In Section 2—

(a) in clause (1) the words, brackets, letters and figures "and shall include an "allottee" and "lessee" as defined in clause (b) and (c) respectively of section 2 of the East Punjab Displaced Persons (Land Resettlement) Act, 1949 (Act XXXVI of 1949), hereinafter referred to as the "Resettlement Act" shall be omitted.

(b) in clause (3)—

(i) for the words and figures "Permissible area" means 30 standard acres and where such 30 standard acres on being converted into ordinary acres exceed 60 acres, such 60 acres" the following words and figures shall be substituted, namely:—

"Permissible area" means 20 standard acres and where such 20 standard acres on being converted into ordinary acres exceed 40 acres, such 40 acres."

(ii) the second proviso shall be omitted.

(c) in clause (4) the words, figures, brackets and letters "under the Punjab Tenants (Security of Tenure) Act, 1950 (Act XXII of 1950), as amended by President's Act V of 1951, hereinafter referred to as the '1950 Act', or" shall be omitted.

(d) in clause (6) for the words and figures "but shall not include a present holder, as defined in section 2 of the Resettlement Act", the words "but shall not include occupancy tenants" shall be substituted.

(e) clause (11) shall be omitted.

5. Section 3 shall be omitted.

6. Section 4 shall be omitted.

7. For section 5 the following section shall be substituted, namely:—

5. **Reservation of land.**—(1) Any landowner who owns land in excess of the permissible area may reserve out of the entire land held by him in the State of Bilaspur as landowner, any parcel or parcels not exceeding the permissible area by intimating his selection in the prescribed form and manner to the patwari of the estate in which the land reserved is situate or to such other authority as may be prescribed:

Provided that in making this reservation he shall include his areas owned in the following order:—

(a) area under self-cultivation at the commencement of this Act,

(b) reserved area excluding the area under a tenant who has been in continuous occupation for 20 years or more immediately before such reservation,

(c) area or share in a cooperative farming society,

(d) any other area owned by him.

(2) Where in respect of any land more than one person can be classed as landowners, as in the case of persons one of whom is a landowner in principal and the other in a derivative capacity, the aforesaid right of reservation shall be exercised by the landowner who receives or is entitled to receive rent directly from the tenant in actual cultivation of the land.

(3) A landowner shall be entitled to intimate a reservation within six months from the date of commencement of this Act, and no reservation so intimated shall be varied subsequently whether by Act of parties or by operation of law, save with the consent in writing of the tenant affected by such variations or until such time as the right to eject such tenant otherwise accrues under the provision of his Act."

8. In section 6 for the figures, letters and words "15th August, 1947" figures, words and letter "15th August, 1950" shall be substituted.

9. In section 9 for the words, figures and letters "the 30th April, 1954", wherever they occur the words "one year after the merger of Bilaspur with Himachal Pradesh" shall be substituted.

10. In sub-section (1) of section 10 for the figures, words and letters "15th August, 1947" the figures, words and letter "15th August, 1950" shall be substituted.

11. In sub-clause (ii)(a) of section 17 for the figures, letters and words "14th day of August, 1947" the figures, letters and words "15th August, 1950" shall be substituted.

12. In clause (iii) of sub-section (1) of section 18 for the figures, letters and words "14th August, 1947", the figures, letters and words "15th August, 1950" shall be substituted.

13. Section 28 shall be omitted.

ANNEXURE

The Punjab Security of Land Tenures Act, 1953 (X of 1953) as amended by this notification.

THE PUNJAB SECURITY OF LAND TENURES ACT, 1953

An Act to provide for the security of land tenure and other incidental matters

IT is hereby enacted as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Punjab Security of Land Tenures Act, 1953.

(2) It shall come into force at once.

(3) It extends to the whole of the State of Bilaspur.

(4) Save as elsewhere expressly provided in this Act nothing contained therein shall apply to land held by co-operative farming societies during the period of their continuance, subject to their fulfilling the conditions prescribed under this Act.

2. **Definitions.**—In this Act, unless the context otherwise requires:—

(1) "Landowner" means a person defined as such in the Punjab Land Revenue Act, 1887 (Act XVII of 1887).

Explanation.—In respect of land mortgaged with possession, the mortgagee shall be deemed to be the landowner.

(2) "Small landowner" means a landowner whose entire land in the State of Bilaspur does not exceed the "permissible area".

Explanation.—In computing the area held by any particular landowner, the entire land owned by him in the State of Bilaspur, as entered in the record-of-rights, shall be taken into account, and if he is a joint owner only his share shall be taken into account.

(3) "Permissible area" means 20 standard acres and where such 20 standard acres on being converted into ordinary acres exceed 40 acres, such 40 acres.

(4) "Reserved area" means the area lawfully reserved.

- (5) "Standard acre" means a measure of area convertible into ordinary acres of any class of land according to the prescribed scale with reference to the quantity of yield and quality of soil.
- (6) "Tenant" has the meaning assigned to it in the Punjab Tenancy Act, 1887 (Act XVI of 1887), and includes a sub-tenant and self-cultivating lessee, but shall not include occupancy tenants.
- (7) "Year" means an agricultural year, as defined in section 4 of the Punjab Tenancy Act, 1887 (Act XVI of 1887).
- (8) "Land" and all other terms used, but not defined in this Act, shall have the same meaning as are assigned to them in the Punjab Tenancy Act, 1887 (Act XVI of 1887).
- (9) "Self-cultivation" means cultivation by the person concerned personally or under his supervision and includes similar cultivation by the person's mother, father, wife, husband, children or, in the case of a joint holding, brother, nephews and uncles while residing in the village in which the land is situate or nearby.
- (10) "Prescribed" means prescribed by rules made under this Act.

5. Reservation of land.—(1) Any landowner who owns land in excess of the permissible area may reserve out of the entire land held by him in the State of Bilaspur as landowner, any parcel or parcels not exceeding the permissible area by intimating his selection in the prescribed form and manner to the patwari of the estate in which the land reserved is situate or to such other authority as may be prescribed:

Provided that in making this reservation he shall include his areas owned in the following order:—

- (a) area under self-cultivation at the commencement of this Act.
- (b) reserved area excluding the area under a tenant who has been in continuous occupation for 20 years or more immediately before such reservation,
- (c) area or share in a co-operative farming society,
- (d) any other area owned by him.

(2) Where in respect of any land more than one person can be classed as landowners, as in the case of persons one of whom is a landowner in principal and the other in a derivative capacity, the aforesaid right of reservation shall be exercised by the landowner who receives or is entitled to receive rent directly from the tenant in actual cultivation of the land.

(3) A landowner shall be entitled to intimate a reservation within six months from the date of commencement of this Act, and no reservation so intimated shall be varied subsequently whether by Act of parties or by operation of law, save with the consent in writing of the tenant affected by such variations or until such time as the right to eject such tenant otherwise accrues under the provision of this Act.

6. For the purposes of determining under this Act the area owned by a landowner, all transfers of land except bona fide sales or mortgages with possession, or transfers resulting from inheritance, made after the 15th August 1950 and before the commencement of this Act, shall be ignored.

7. Minimum period of tenancy.—Notwithstanding anything to the contrary contained in any other law for the time being in force, and except as expressly provided by this Act, no tenant on land other than the reserved area of a landowner shall be liable to ejectment before the expiry of a period of ten years from the commencement of this Act, or from the commencement of his tenancy, whichever is later.

8. Heritability of tenancy.—A tenancy, for the period of its duration, shall be heritable in accordance with the law of succession applicable to the tenant.

9. Liability of tenant to be ejected.—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force no tenant shall be liable to ejectment before one year after the merger of Bilaspur with Himachal Pradesh.

(2) A tenant shall, however, after one year of the merger of Bilaspur with Himachal Pradesh be liable to be ejected if he—

- (i) fails to pay rent regularly without sufficient cause;
- (ii) is in arrears of rent at the commencement of this Act;

- (iii) has failed, or fails, without sufficient cause, to cultivate the land comprised in his tenancy in the manner or to the extent customary in the locality in which the land is situate;
- (iv) has used, or uses the land comprised in his tenancy in a manner which has rendered, or renders, it unfit for the purpose for which he holds it;
- (v) has sublet the tenancy or a part thereof;
- (vi) refuses to execute a Qabuliyat or a Patta, in the form prescribed in respect of his tenancy on being called upon to do so by an Assistant Collector or an application made to him for this purpose by the landowner;
- (vii) is sought to be ejected by a person who at the time of the commencement of this Act, is serving in the Armed Forces of the Union;
- (viii) is a tenant on the area reserved under this Act by a landowner or is a tenant of a small landowner.

Explanation.—For the purposes of clauses (i) and (ii), a tenant shall be deemed to have failed to pay rent regularly or a tenant shall be deemed to be in arrears of rent at the commencement of this Act, only if the payment of rent or arrears, as the case may be, is not made by the tenant within a period of two months from the date of notice of the execution of decree or order, directing him to pay such rent or arrears of rent.

(3) Notwithstanding anything contained hereinbefore a tenant shall also be liable to be ejected from any area, which he holds in any capacity whatever in excess of the permissible area:

Provided that the portion of the tenancy from which such tenant can be ejected shall be determinate at his option only if the area of his tenancy under the landowner concerned is in excess of the area from which he can be ejected by the said landowner:

Provided further that if the tenant holds land of several landowners and more than one landowner seek his ejectment, the right to ejectment shall be exercised in the order in which the applications have been made or suits have been filed by the landowners concerned, and in case of simultaneous applications or suits the priority for ejectment shall commence serially from the smallest landowner.

Explanation.—Where a tenant holds land jointly with other tenants, only his share in the joint tenancy shall be taken into account in computing the area held by him.

10. Restoration of tenant ejected after the 15th of August 1950.—(1) Where a tenant has been ejected from any land in excess of the permissible area on grounds other than those mentioned in section 9, before the commencement of this Act, and after the 15th August 1950 and such land is under self-cultivation, such tenant shall be entitled to be restored to his tenancy in the manner prescribed on the same terms and conditions on which it was held by him at the time of his ejectment, on an application made by him within six months from the commencement of this Act or from the date of intimation of a reservation made under this Act to an Assistant Collector of the first grade having jurisdiction.

(2) On receipt of an application the Assistant Collector shall, after giving to the parties notice in writing and a reasonable opportunity to be heard, determine the dispute summarily, and shall keep a memorandum of evidence and a gist of his final order with brief reasons therefor.

(3) When an application has been made, any proceedings in relation to the same matter pending in any other court or before any other authority shall be stayed on receipt of information by that court or authority from such Assistant Collector of the fact of having received the application, and all such proceedings in a court or before any authority shall lapse when the dispute has been determined by the Assistant Collector acting under this Act.

(4) A landowner or any other person in actual possession of land at the time of restoration shall be entitled to such compensation as may be determined by the Assistant Collector, from the tenant intended to be restored, for any loss suffered in consideration of anything done prior to the date of his first receiving information of the application:

Provided that no ejected tenant shall be restored to his tenancy as provided hereinbefore unless he has paid compensation as determined by the Assistant Collector to the landowner or other person, if any, as the case may be.

11. Tenant's right to water.—Save in proportion to a reduction in the tenancy, if any, a landowner shall not be competent to curtail or terminate the supply of

canal or use of well water enjoyed by a tenant immediately before the commencement of this Act, and a breach of this provision shall constitute a cognizable offence punishable with imprisonment which may extend to six months and shall be triable by a court not below the rank of a Second Class Magistrate.

12. Amount of maximum rent.—(1) Notwithstanding anything contained in the Punjab Tenancy Act, 1887 (Act XVI of 1887), or in any agreement or usage or any decree or order of a court, the maximum rent payable by a tenant for any land held by him as such shall not exceed one-third of the crop of such land or the value thereof as determined in the prescribed manner, and where the customary rent is less than one-third the maximum rent shall be such customary rent.

(2) In computing the maximum rent payable by a tenant, such portion of the rent, if any, as represents the consideration for services or facilities provided by the landowner in relation to the land shall not be taken into account.

13. Assessment of charges for services or facilities provided by the landowner.—Unless the charges payable for services or facilities provided by the landowner in relation to the land have been specifically provided for in an agreement between the parties, such charges shall be determined by the Assistant Collector, First Grade, having jurisdiction, who shall give due regard to the usage of the locality and if there is no such usage, he shall give regard, amongst other matters, to—

- (a) the direct advantage gained by the land by the provision of such services or facilities;
- (b) the condition or nature of the services or facilities and the probable duration of their effects;
- (c) the labour or capital required for the provision of such services or facilities.

14. Duty of landowner to furnish receipt for rent received from tenant.—(1) Every landowner shall give or cause to be given a valid receipt to the tenant in the form prescribed for the rent received by him or on his behalf.

(2) Any landowner who fails to give or cause to be given such receipt shall on conviction be punishable with fine which may extend to one hundred rupees.

15. Holding over.—Where any tenant has, at the expiration of the period of his tenancy as specified in section 7, been allowed to hold over, his tenancy shall be deemed to have been renewed for a further period of ten years commencing from the date of its expiration, on the same terms and conditions as were attached to the tenancy of which the period has expired.

16. Saving of tenancies from effect of mala fide transfers.—Save in the case of bona fide sales and of lands acquired by the Chief Commissioner under any law for the time being in force or by an heir by inheritance, no transfer or other disposition of land shall have the effect of reducing the minimum period of a tenancy as hereinbefore provided:

Provided that in the case of a bona fide sale, the tenant shall, subject to the rights of other pre-emptors as provided in the Punjab Pre-emption Act, 1913 (Act I of 1913), be entitled to pre-empt the sale in the manner prescribed therein, and section 15 of the said Act shall be deemed to be amended accordingly.

17. Right of certain tenants to pre-empt sale, etc., of land.—Notwithstanding anything to the contrary contained in any law, usage or contract, and subject to the provisions of section 18, a tenant of a landowner other than a small landowner:—

- (i) who has been in continuous occupation of the land comprised in his tenancy for a period exceeding four years on the date of the sale of the land or foreclosure of the right to redeem the land, or
- (ii) in case of a sale or foreclosure that has taken place or shall take place within a period of three years from the commencement of this Act and there is no tenant who has acquired a right under clause (i);
- (a) who was ejected from tenancy after the 14th day of August 1950, and before the commencement of this Act on grounds other than those mentioned in section 9, and was in continuous occupation of the land comprised in his tenancy for a period exceeding four years on the date of his ejectment, or
- (b) who has been restored to his tenancy under the provisions of this Act and whose periods of continuous occupation of the land comprised

in his tenancy immediately before ejectment and immediately after restoration of his tenancy together exceed four years.

shall, in preference to the rights of other pre-emptors as provided in the Punjab Pre-emption Act, 1913 (Act I of 1913), except the descendants of vendor's grandfather, be entitled to pre-empt the sale or foreclosure of the land other than the land comprised in the reserved area of the land-owner in the manner prescribed in that Act within one year from the date of the sale or foreclosure as the case may be:

Provided that no tenant referred to in this subsection shall be entitled to exercise any such right in respect of the land or any portion thereof if he had sublet the land or the portion, as the case may be, to any other person unless during that period the tenant was suffering from a legal disability or physical infirmity, or, if a woman, was a widow or was unmarried.

18. Rights of certain tenants to purchase land.—(1) Notwithstanding anything to the contrary contained in any law, usage or contract, a tenant of a landowner other than a small landowner—

- (i) who has been in continuous occupation of the land comprised in his tenancy for a period of twelve years, or
- (ii) who has been restored to his tenancy under the provisions of this Act and whose periods of continuous occupation of the land comprised in his tenancy immediately before ejectment and immediately after restoration of his tenancy together exceed twelve years, or
- (iii) who was ejected from his tenancy after the 14th day of August 1950, and before the commencement of this Act, and who was in continuous occupation of the land comprised in his tenancy for a period exceeding twelve years on the date of his ejectment,

shall be entitled to purchase from the landowner the land so held by him but not included in the reserved area of the landowner, in the case of a tenant falling within clause (i) or clause (ii) at any time, and in the case of a tenant falling within clause (iii) within a period of one year from the date of commencement of this Act:

Provided that no tenant referred to in this sub-section shall be entitled to exercise any such right in respect of the land or any portion thereof if he had sublet the land or the portion, as the case may be, to any other person during any period of his continuous occupation, unless during that period the tenant was suffering from a legal disability or physical infirmity, or, if a woman, was a widow or was unmarried:

Provided further that if the land intended to be purchased is held by another tenant who is entitled to pre-empt the sale under the next preceding section, and who is not accepted by the purchasing tenant, the tenant in actual occupation shall have the right to pre-empt the sale.

(2) A tenant desirous of purchasing land under subsection (1) shall make an application in writing to an Assistant Collector of the First Grade having jurisdiction over the land concerned, for determining the value of such land, and the Assistant Collector, after giving notice to the landowner and to all other persons interested in the land and after making such inquiry as he thinks fit, shall fix the value of the land which shall be the average of the prices obtaining for similar land in the locality during 10 years immediately preceding the date on which the application is made.

(3) A tenant shall be deemed to have purchased the land if he deposits the value thereof as so fixed with the Assistant Collector within such time as that officer appoints.

(4) On the value being so deposited, the Assistant Collector shall, on application of the tenant, put the tenant in possession of the land.

(5) If the land is subject to a mortgage at the time of the purchase, the land shall pass to the tenant unencumbered by the mortgage, but the mortgage debt shall be a charge on the purchase money.

(6) If there is no such charge as aforesaid the Assistant Collector shall, subject to any directions which he may receive from any court, pay the purchase money to the landowner.

(7) If there is such a charge, the Assistant Collector shall, subject as aforesaid, apply in the discharge of the mortgage debt so much of the purchase money as is required for that purpose and pay the balance, if any, to the landowner, or retain the purchase money pending the decision of a Civil Court as to the person or persons entitled thereto.

19. Sections 17 and 18 not to apply to certain property and tenants.—Nothing contained in section 17 or section 18 shall affect any land which is evacuee property, as defined in the Administration of Evacuee Property Act, 1950. (XXXI of 1950), at the commencement of this Act or any other land which may at any time be acquired by the Central Government for the resettlement of displaced persons.

20. Restrictions on tenants.—Nothing contained in this Act shall entitle a tenant to purchase land in excess of the permissible area, including the land which he may already own.

21. Saving of tenants and lessees under Government.—Nothing contained in this Act shall affect any land held by a tenant or lessee under Government, or local bodies in the State, or any unallotted evacuee land.

22. Procedure for ejection.—The procedure for ejection of a tenant under this Act shall be as provided under the Punjab Tenancy Act, 1887 (Act XVI of 1887).

23. Abrogation of pending decrees, orders and notices.—No decree or order of any court or authority and no notice of ejection shall be valid save to the extent to which it is consistent with the provisions of this Act.

24. Appeal review and revision.—The provision in regard to appeal, review and revision under this Act shall, so far as may be, the same as provided in sections 80, 81, 82, 83 and 84 of the Punjab Tenancy Act, 1887 (Act XVI of 1887).

25. Exclusion of courts and authorities.—Except in accordance with the provisions of this Act the validity of any proceedings or order taken or made under this Act shall not be called in question in any court or before any other authority.

26. Indemnity.—No suit or other legal proceedings shall lie against any authority in respect of anything done in good faith in pursuance of the provisions of this Act.

27. Power to make rules.—The Chief Commissioner may by notification in the official Gazette make rules for carrying out the purposes of this Act.

[No. 191-J.]

A. N. SACHDEV, Under Secy.

**MINISTRY OF FINANCE
(Department of Economic Affairs)**

(INSURANCE)

New Delhi, the 18th September 1953

S.R.O. 1766.—In pursuance of sub-clause (iv) of clause (3) of section 2 of the Insurance Act, 1938 (IV of 1938), the Central Government hereby specifies the undermentioned securities as approved securities for the purposes of the said Act, namely:

4 per cent Redeemable Debentures of the Mysore Central Co-operative Land Mortgage Bank, Limited, Bangalore (XIIIth Series).

[No. 109-IE(1)/50.]

B. K. KAUL, Dy. Secy.

New Delhi, the 22nd September 1953

S.R.O. 1767.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (X of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sections 18 and 24 of the said Act, in so far as they relate to the liabilities of a banking company in the 'Closed Fund', shall not apply to the Gauhati Bank Ltd., Gauhati, and the Commercial Bank Ltd., Kolhapur.

[No. F.4(144)-FI/53.]

N. C. SEN GUPTA, Dy. Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)

DANGEROUS DRUGS

New Delhi, the 21st September 1953

S.R.O. 1768.—In pursuance of clause (a) of rule 2 of the Central Opium Rules, 1934, the Central Government hereby defines the tracts specified in the Schedule annexed hereto as the tracts in the States of Uttar Pradesh, Madhya Bharat and Rajasthan within which poppy may be cultivated on account of Government during the opium year from the 1st October, 1953, to the 30th September, 1954:—

SCHEDULE

PART I

State of Uttar Pradesh.

Designation of Tract	District	Extent	
		Tehsil/Pargana	
Ghazipur Opium Circle	Ghazipur	Dehma, Zahirabad, Zamania, Mohammadabad, Pachotar, Ghazipur and Shadabad.	
	Banaras	Majhwar, Barah, Mahuraj, Mahalch, Narwan and Barhwal.	
	Gorakhpur	Bhauwpar, Dhuriapar, Unaola and Chilupar.	
Faizabad Opium Circle	Faizabad	Mangalsi, Khandasa, Rath and Amsin.	
	Basti	Amorha.	
Bara Banki Opium Circle	Bara Banki	Daryabad, Baldu Sarai, Nawabganj, Ramnagar, Dewa, Kursi, Partabganj, Satrik Siddhaur, Subeha and Haidergarh.	
Bareilly Opium Circle	Bareilly	Sancha, Ballia, Aonla, Sirauli and Fardpur.	
Shahjahanpur Opium Circle	Shahjahanpur	Jalalabad, Kant, Nigohi, Tilhar and Jalalpu	

PART II

State of Madhya Bharat

Neemuch I Opium Circle	Mandsaur	Neemuch and Jawad.
Neemuch II Opium Circle	Mandsaur	Garoth, Bhanpura and Manasa.
Mandsaur I Opium Circle	Mandsaur	Mandsaur.
Mandsaur II Opium Circle	Mandsaur	Malhargarh and Sitarnau.
Ratlam Opium Circle	Ratlam	Ratlam, Jaora, Alot and Sailana.

PART III

State of Rajasthan

Designation of Tract	District	Extent	
		Tehsil/Pargana	
Chittorgarh Opium Circle	Chittorgarh	Achnera, Partabgarh, Chhoti Sadri, Kanera, Nimbahera, Begun, Chittorgarh, Barsadri, Bhadesar and Doongla.	
Jhalawar Opium Circle	Bhilwara	Bijolia.	
	Jhalawar	Khanpur, Aklra, Manohar Thana, Bikan, Asnawar, Patan and Bhawani Mandi.	
Kotah Opium Circle	Kotah	Ramganj Mandi, Sangod and Chechet Morak.	
	Kotah	Chhapa Barod Chhabra and Atru.	

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 21st September 1953

S.R.O. 1769.—In pursuance of sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that the following further amendment shall be made in its Notification No. 32-Income-tax, dated the 9th November, 1946, namely:—

In the Schedule appended to the said Notification under the sub-head 'VIIA Punjab, Himachal Pradesh, Bilaspur, Patiala and East Punjab States Union' for the Ranges and Income-tax Circles mentioned against them, the following Ranges and Income-tax Circles shall be substituted, namely:—

Rohtak—

1. Rohtak.
2. Hissar.
3. Karnal.
4. Ferozepur.

Patiala—

1. Patiala
2. Bhatinda
3. Sangrur
4. Special Survey Circle, Patiala
(in respect of persons who have their principal place of business in or reside in the jurisdiction of Income-tax circles specified in entries 1 and 3.)

Ambala—

1. Ambala
2. Salary Circle, Simla
3. Simla
4. Special Circle, Ambala
5. Special Survey Circle, Patiala
(in respect of persons who have their principal place of business in or reside in the jurisdiction of Income-tax circles specified in entries 1 and 3.)
6. Ludhiana.

Amritsar—

1. Amritsar
2. Special Circle, Amritsar
3. Hoshiarpur
4. Jullundur

- 5. Gurdaspur
- 6. Special Survey Circle, Amritsar
(in respect of persons who have their principal place of business in or reside in the jurisdiction of Income-tax Circle specified in entry No. 1.)

2. Where an Income-tax Circle stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle is transferred shall on and from the date of this notification be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle is transferred.

[No. 62.]

K. B. DEB, Under Secy.

MINISTRY OF COMMERCE AND INDUSTRY

RUBBER CONTROL
New Delhi, the 21st September, 1953

S.R.O.1770—The following statement of accounts of the Indian Rubber Board for the year ended 31st December, 1952 is published in pursuance of sub-rule (2) of the Rubber (Production & Marketing) Rules, 1947.

THE INDIAN RUBBER BOARD

Receipts and Payments Account for the year ended 31st December 1952.

RECEIPTS				PAYMENTS			
	Rs.	A.	P.		Rs.	A.	P.
To Balance as on 1st January 1952 :				By Office Rent			
With Imperial Bank of India, Cochin :—				By Officers' Salaries & Establishment			
On Fixed Deposit Account :—				Charges :—			
General Fund	80,107	13	0	Salaries	56,540	4	2
Scientific Research				Dearness allowance	18,347	5	4
Fund	1,22,304	14	4	Deputation allowance	1,498	0	0
On Current Account	4,533	15	8	Charge Allowance	120	0	0
With Central Bank of India, Ltd.,					76,505	9	6
Kottayam, on Current Account	2,475	2	8	By Travelling and Daily allowance			
Cash on hand	412	5	4	By Stationery and Printing			
Stamps on hand	96	2	4	By Postage and Telegrams			
	2,09,930	5	4				

The Indian Rubber Board Provident Fund :—

Investments, at cost :—

Rs. 6,400,3 per cent. 1970/75 Government of India First Development Loan

6,412 10 0

Rs. 14,100,3 percent Government of India 1986 Loan

13,292 8 0

Amount with Reserve Bank of India for the purchase of 3½ per cent. Ten Year Treasury Savings Deposit Certificates

1,500 0 0

By Research and Propaganda :—

Chemical laboratory	490	4	4
Rubber Leaflets	1,316	12	7
Nursery	16,194	3	6
Rajagiri Nursery	6,542	14	5
Poonoor Nursery	6,692	2	0
Botanical Laboratory	578	14	0
Perambara Settlement	3,457	8	4
Small Scale Experiments and Research Account	4,313	13	10
	49,586	9	0

Amount with Imperial Bank of India,
Cochin :—

On Current Account	4,664	1	4	
Cash on hand	11	14	0	25,881 1 4
				2,35,811 6 8
Excise Duty				1,44,425 14 10
To Fees on Account of :—				
Manufacturers' Licence	1,696	14	0	
Dealers' Licence	22,600	0	0	
New Planting Licence	107	0	0	
Replanting Licence	39	0	0	24,442 14 0
To Interest on Fixed Deposit Account :				
General Fund	1,201	9	8	
Scientific Research Fund	1,834	9	0	3,036 2 8
To Miscellaneous :—				
Amount received from staff for payment of income-tax	2,280	7	6	
Advertisements on rubber leaflets	282	0	0	
Advertisements on List of Estates and Holdings	775	0	0	
Nursery	12,594	6	0	
Sundry payments recovered	407	10	9	
Sundry advances recovered	193	14	6	
Sundry receipts refundable	40	11	6	
Sale of Copper Sulphate (Perambra settlement)	1,016	2	6	
Sale of old typewriter	175	0	0	
Rubber Controller's expenses received from Government	414	8	11	18,179 13 8

By Balance as on 31st December 1952 :—
 With Imperial Bank of India, Cochin :
 On Fixed Deposit Account :—
 General Fund . 1,00,107 13 0
 Scientific Research Fund . 1,24,139 7 4 2,24,247 4 4

RECEIPTS

To The Indian Rubber Board Provident Fund :—
 Subscription by members
 Contribution by the Indian Rubber Board
 Interest on Government Securities
 Amount recovered on loan to staff
 Interest on loan to staff

Rs. A. P.	Rs. A. P.
5,611 13 0	
3,057 14 0	
838 12 0	
690 0 0	
12 6 0	10,210 13 0

PAYMENTS

Rs. A. P.	Rs. A. P.
On Current Account	2,969 13 8
With Central Bank of India, Ltd., Kottayam, on Current Account	4,020 8 8
Cash on hand	696 11 0
Stamps on hand	35 12 1
	2,31,970 1 9

The Indian Rubber Board Provident Fund :—

Investments at Cost :—

Rs. 6,400,3 per cent. 1970—75 Government of India First Development Loan 6,412 10 0

Rs. 21,100,3 per cent. Government of India 1986 loan 18,924 8 0

Government of India 3½ per cent. ten years Treasury Saving deposit Certificates

Amount with Imperial Bank of India, Cochin, on Current Account 3,772 7 4

Post Office Savings Bank Account, Kottayam 3,143 1 0 34,752 10 4 2,66,722 12 1

4,36,107 0 10

4,36,107 0 10

MADRAS : 4th August, 1953.

We have examined the foregoing Receipts and Payments Account and in accordance with Section 24 Clause (2) of the Rubber (Production & Marketing) Act, 1947, we beg to report that in our opinion, the payments made as shown therein have been expended in pursuance of the purposes of the Act

(SD.) FRASER & ROSS,

Chartered Accountants

(SD.) P. N. RANCHANDRAN,

Secretary,

Indian Rubber Board.

[No. 22 (2)-plant/53]

P. V. S. SARMA, Under Secy.

New Delhi, the 22nd September 1953

S.R.O. 1771.—In exercise of the powers conferred by sub-clause (a) of Clause 2 of the Iron and Steel (Control of Production and Distribution) Order, 1941, the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the late Ministry of Industry and Supply, No. I(1)-4(41), dated the 7th September, 1950, as amended from time to time, namely:—

In the Schedule annexed to the said Notification, for the entry—

“The Estate Officer, Capital Project, Chandigarh.”, the following entry shall be substituted, namely,—

“The Administrator, Chandigarh.”

[No. SC(A)-4(113).]

D. HEJMADI, Under Secy.

New Delhi, the 26th September 1953

S.R.O. 1772.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the following further amendment shall be made in the Cotton Textiles (Control of Movement) Order, 1948, namely:—

In the said order for sub-clause (i) of Clause 3, the following sub-clause shall be substituted, namely:—

(1) a general permit notified in the Official Gazette by the Textile Commissioner or, in relation to transport from a place in any particular State other than the Greater Bombay and the City of Ahmedabad areas, by the Government of that State.”

[No. 15(2)-CT(A)/52.]

S.R.O. 1773.—In exercise of the powers conferred by sub-clause (i) of clause 5 of the Cotton Textiles (Export Control) Order, 1949, the Central Government hereby directs that the following further amendments shall be made in the notification of the Government of India in the late Ministry of Commerce No. 67-CW(25A)/48, dated the 26th March, 1949, namely:—

In the said notification—

1. In paragraph 2—

(a) in sub-paragraph (5) for the words “in the case of pieces of cloth less than three yards in length other than towels, handkerchiefs, dusters and napkins”, the words “in the case of cut pieces of cloth, less than three yards in length” shall be substituted.

(b) after sub-paragraph (5) the following sub-paragraph shall be inserted, namely:—

(6) Notwithstanding anything contained in sub-paragraphs (1), (2) and (3), in the case of bed spreads (i) which are hand printed by a member of a Processors' Association at Farrukhabad holding any of the texmarks viz., Nos. 1330, 1335 or 1724, and (ii) which bear the quality mark seal impressed by the Director of Cottage Industries, Uttar Pradesh, the following markings only shall be made on a paper label attached to each item, namely:—

(a) the texmark of the printer including the distinguishing number of the Association and the sub-number allotted to the printer as a member of that Association;

(b) the month and year of packing by the printer.”

2. Item (v) of sub-paragraph (6) of paragraph 3 shall be omitted.

[No. 46(34)-CT(A) 52-14.]

S. A. TECKCHANDANI, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Agriculture)

New Delhi, the 15th September 1953

S.R.O. 1774.—Corrigendum.—In the Ministry of Food & Agriculture Notification of even No., dated the 25/26th August, 1953, regarding nomination of Shri S. C. Bhattacharjee to the Indian Central Coconut Committee,

Read "HORTICULTURAL DEVELOPMENT OFFICER"

for "AGRICULTURAL DEVELOPMENT OFFICER".

[No. F.2-14/53-Com.II.]

New Delhi, the 22nd September 1953

S.R.O. 1775.—In pursuance of the provisions of sub-section (f) of section 4 of the Indian Central Oilsseeds Committee Act, 1946 (IX of 1946), the Government of Saurashtra have nominated Shri Jayantilal Trivedi of Aliabada, Saurashtra, to be a member of the Indian Central Oilsseeds Committee to represent growers of Saurashtra, with effect from 1st April, 1953.

[No. F.5-86/53-Com.-I.]

F. C. GERA, Under Secy.

(Agriculture)

New Delhi, the 21st September 1953

S.R.O. 1776.—In exercise of the powers conferred by clause 6 of the Sugar and Gur Control Order, 1950 the Central Government hereby directs that the ex-factory price of sugar fixed by notifications of the Government of India in the late Ministry of Agriculture Nos. S.R.O. 1002, 1039, 1121, 1102, 1140 and 50, dated 6th December, 8th December, 18th December, and 20th December, 1950 and 9th January, 1951, respectively, and in the Ministry of Food & Agriculture Nos. S.R.O. 204(6A), 246, 338, 356 and 679, dated the 18th February, 8th March, 8th March, and 5th May, 1951, respectively shall be reduced with effect from 1st December, 1952, as specified in column 2 of the schedule annexed hereto, for Indian Sugar Standard E/27 grade of crystal sugar produced during 1950-51 season by the vacuum pan sugar factories in the States specified in the corresponding entry in column 1 of the said schedule:

Provided that proviso (i) to (iii) of the Notification of the Government of India in the late Ministry of Agriculture No. S.R.O. 1002, dated the 6th December, 1950 as amended by the notification of the Government of India in the Ministry of Food & Agriculture No. S.R.O. 347, dated the 14th March, 1951, regarding price differentials for other grades of crystal sugar and for various grades of refined and crushed sugar and additional transport charges to be charged by a factory situated at a distance exceeding three miles from the nearest railway station shall apply to this notification:

Provided further that the explanations 1 and 2 in the Notification No. S.R.O. 1002, dated the 6th December, 1950 shall also apply to this notification.

THE SCHEDULE

Name of State	Ex-factory price per maund of 82 2/7 lbs.
I	2
<i>Northern India</i>	
1. Bihar (North and South)	
2. Punjab	
3. U. P. (West and East)	
4. West Bengal	
5. Bhopal	
6. Madhya Bharat	
7. Rajasthan	
8. P. E. P. S. U.	
	Rs. A. P.
	27 0 0

I	2
<i>Southern India.</i>	RS. A. P.
1. Bombay	
2. Madras	
3. Orissa	
4. Hyderabad	
5. Mysore	
6. Travancore-Cochin	
	28 0 0

[No. SV-105 (1)/52-53.]

P. A. GOPALAKRISHNAN, Jt. Secy.

MINISTRY OF IRRIGATION AND POWER

ORDER

New Delhi, the 17th September 1953

S.R.O. 1777.—Whereas the Central Government has had under consideration for some considerable time now the question of revising the Indian Electricity Act, 1910 (IX of 1910), in order to remedy its shortcomings and to bring it into line with the present requirements of the electricity supply industry;

And whereas difficulties in the working and administration of the said Act having been from time to time brought to its notice, the Central Government has decided to constitute for the whole of India except the State of Jammu and Kashmir an Advisory Board under sub-section (1) of section 35 of the Indian Electricity Act, 1910;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 35 of the said Act the Central Government hereby provides as follows:—

(i) *Number of members of the Board and manner of their appointment.*—The number of members of which the Board shall be constituted shall be eight and the members shall be appointed by the Central Government by notification in the *Gazette of India*;

(ii) *Duties of the Board.*—The Board shall make a detailed study of the question of amending the Indian Electricity Act, 1910, in the light of—

- (a) the views of the various individuals, institutions and State Governments received by the Government of India;
- (b) the proceedings of the Conference of Electrical Inspectors held in December 1928;
- (c) the action taken by State Governments to amend the Indian Electricity Act, 1910;
- (d) the comments of the State Governments on the draft amending Bill circulated by the late Labour Department on 22nd August 1938;
- (e) comparable legislation abroad;
- (f) the Electricity (Supply) Act, 1948; and
- (g) any other matter considered relevant by the Board;

and shall recommend within six months to the Government of India their proposals to amend the Indian Electricity Act, 1910;

(iii) *Procedure of the Board.*—(1) Subject to any directions that may be given by the Central Government from time to time, the Board shall regulate its own procedure.

(2) The Board may determine any matter with the aid of assessors specially qualified for the purpose.

(3) Every such assessors shall be nominated by the Central Government.

(iv) *Tenure of office.*—The members of the Board shall hold offices for a period of six months from the date of their appointment.

(v) *Fees and travelling expenses.*—The fees and travelling expenses payable to the assessors (if any) shall, from time to time, be determined by the Central Government.

[No. EL-II-213 (4)/I.]

New Delhi, the 18th September 1953

S.R.O. 1778.—In exercise of the powers conferred by sub-section (1) of section 35 of the Indian Electricity Act, 1910 (IX of 1910), the Central Government hereby constitutes for the whole of India except the State of Jammu and Kashmir, an Advisory Board to be known as “The Advisory Board on the Amendment of the Indian Electricity Act, 1910”, consisting of the following members, namely:—

1. Dr. K. P. P. Menon, Utilisation Member, Central Water and Power Commission, New Delhi, Chairman.
2. Shri K. N. Ranga Rao, Chief Electrical Engineer, Northern Railway, New Delhi, Member.
3. S. S. Kumar, Chief Engineer, Punjab Public Works Department, Electricity Branch, Simla, Member.
4. Shri S. G. Nadkarni, Electrical Engineer, Government of Bombay, Bombay, Member.
5. Shri N. N. Sen Gupta, Chief Electrical Inspector, Government of West Bengal, Calcutta, Member.
6. Shri G. Chandy, Chief Electrical Engineer, Government of Mysore, Bangalore, Member.
7. Shri B. N. Sibal, Chief Electrical Engineer, Government of Madhya Bharat, Indore, Member.
8. Shri T. N. Idnani, Senior Project Officer, Central Water and Power Commission (Power Wing), Simla, Member—Secretary.

[No. EL-II-213 (4)/II.]

T. SIVASANKAR, Secy.

MINISTRY OF HEALTH

New Delhi, the 15th September 1953

S.R.O. 1779.—*Corrigendum.*—The letters “p.t.o.” after the word “deface” in this Ministry’s Notification No. S.R.O. 1600, dated the 13th August, 1953, published on page 1306 of the *Gazette of India*, Part II, Section 3, dated the 22nd August, 1953 should be omitted.

[No. F.1-5/53-DS.]

New Delhi, the 22nd September 1953

S.R.O. 1780.—*Corrigendum.*—The figures “1,600” should be substituted for the figures “1,6000” occurring after the figures “3,000” in this Ministry’s Notification No. S.R.O. 1443, dated the 20th July, 1953, published on page 1157 of the *Gazette of India*, Part II, Section 3, dated the 25th July, 1953.

[No. F.1-1/52-DS.]

S. DEVANATH, Under Secy

MINISTRY OF COMMUNICATIONS

New Delhi, the 21st September 1953

S.R.O. 1781.—In exercise of the powers conferred by rule 53 of the Indian Aircraft Rules, 1920, the Central Government hereby declares the aerodrome at Amritsar to be a customs aerodrome, and appoints (1) the Collector of Central Excise, Delhi, to be the Chief Customs Officer, and (2) the Assistant Collector of Central Excise, Amritsar, to be the Customs Collector at the said customs aerodrome for the purposes of the said Rules.

[No. 10-A/61-53.]

V. K. MENON, Dy. Secy

MINISTRY OF TRANSPORT

PORTS

New Delhi, the 14th September 1953

S.R.O. 1782.—In exercise of the powers conferred by sub-section (1) of section 6 of the Indian Ports Act, 1908 (XV of 1908), and in supersession of the rules published with the notification of the Government of India in the late Department of War Transport No. 11-P(23)/41-1, dated the 29th October, 1942, the Central Government hereby makes the following rules for the Port of Cochin, the same having been previously published as required by sub-section (2) of the said section, namely:—

RULES

1. These rules may be called the Cochin Port Rules, 1953.
2. In these rules unless there is anything repugnant in the subject or context,—

- (1) "Collision Regulations" means the regulations for preventing collisions at sea promulgated under the Merchant Shipping Act, 1894 (57 and 58 Viet, Ch. 60), by order of His Majesty-in-Council, dated the 13th October 1910, or any similar regulations promulgated in substitution therefor;
- (2) "Day-break" means half an hour before sunrise and "Dark" means fifteen minutes after sunset;
- (3) "Conservator of the Port" includes any person acting under the authority of the officer or body of persons appointed to be Conservator of the Port under section 7 of the Indian Ports Act, 1908 (XV of 1908);
- (4) "Port" means and includes every portion of the Port of Cochin;
- (5) "Sea-going Vessel" means every description of vessel used in sea-navigation;
- (6) "Steam Vessel" means every description of vessel propelled wholly or in part by the agency of steam or other mechanical means.

3. The Harbour Master or Assistant Harbour Master, so far as it relates to matters of navigation, mooring or unmooring during the continuance of his charge, and the Master of the vessel so far as it relates to all matters, shall cause the following rules to be observed by and upon all vessels in his charge.

4. When a vessel is expected to arrive in the Port her agents shall send to the Conservator of the Port at the earliest possible moment a notice in the form prescribed below:—

FORM

Port of Cochin

Notice of the expected arrival of a vessel—

- (1) Name of Vessel and Nationality.
- (2) Net Registered Tonnage of the Vessel.
- (3) Name of Agents.
- (4) Date and time of arrival expected.
- (5) Approximate draught on arrival.
- (6) Approximate tonnage and description of cargo to be landed.
- (7) Approximate tonnage and description of cargo to be shipped.
- (8) Expected duration of stay in the Port.
- (9) Particular berth, if any, preferred by the agents.
- (10) Last port of call.
- (11) Next port of call.

Station

Date

Signature of Agents.

5. (1) Every application for the services of a Harbour Master must be sent between the hours of 9 A.M. and 5 P.M. to the Harbour Master's Office, Fort Cochin, enclosed in a cover on which the words "Application for a Harbour Master" must

be written. A copy of such application must also be sent to the Conservator of the Port for information.

(2) Any application for a Harbour Master for a vessel intending to proceed to sea or to enter the Port on a Sunday or any other day declared as a holiday by the Conservator of the Port must be sent so as to reach the Harbour Master's Office on the previous day.

(3) Whenever it is necessary to communicate before or after office hours in connection with the movements of shipping, a message marked "urgent" shall be addressed to:—

The Harbour Master on duty,
Harbour Master's Office, Fort, Cochin.

(4) In the event of any delay having occurred in a Harbour Master being supplied to a vessel, an enquiry into the circumstances shall be instituted, on a written report respecting the same being made to the Conservator of the Port.

6. If any accident happens to a vessel whilst a Harbour Master is on board, or if the master of the vessel has any complaint to make regarding the handling of the vessel under his command, or the advice given to him by the Harbour Master on duty, he shall report the incident to the Conservator of the Port who shall hold a departmental enquiry. Should the incident occur whilst the vessel is leaving the Port, the master should send in a full report direct to the Conservator of the Port from the next port of call. The report shall, if possible, be accompanied by signed statements of witnesses.

7. All sea-going vessels, on entering or leaving the Port between day-break and dark, shall fly their national flag, and when entering the Port, each vessel show her number.

8. All vessels within the Port shall take up such berths as may be assigned to them by the Conservator of the Port and shall change their berth, or remove, when required by him.

9. All vessels within the Port shall strike their yards and topmasts on being required to do so by the Conservator of the Port, whether by signal or otherwise.

10. (1) All vessels taking in or discharging ballast or any particular kind of cargo, such as ammunition or other explosives, petroleum and kerosene oil, bones, coral or other offensive articles and timber, within the Port, shall do so only at such stations as may be set apart, from time to time, by the Conservator of the Port.

(2) Vessels arriving in the Port with ammunition, explosives, petroleum, or other dangerous goods on board, either for discharge at the Port or elsewhere, shall not only take up such special berths as may be set apart from time to time, by the Conservator of the Port, but shall work only during such hour or hours as the Conservator of the Port shall direct.

(3) No person shall wilfully discharge into the backwater or into or on any deck of quay, any petroleum or other inflammable material or any other substance whatsoever.

11. A free passage shall be kept to all landing places, wharves and anchorages in the Port, in accordance with such directions as may be issued on the subject by the Conservator of the Port and all vessels shall move as and when required by the Conservator of the Port to clear such passage.

12. (1) All vessels within the Port shall be anchored or moored in such manner as may be directed by the Conservator of the Port.

(2) The anchors of all steamers and square rigged vessels shall be buoyed and care taken to see that the buoys "watch".

13. All vessels within the Port shall be moved or warped from place to place as required, and by such means or appliances as may be ordered, by the Conservator of the Port.

14. No vessel shall use any of the Port Moorings, fixed or swinging, without the permission of the Conservator of the Port.

15. The plying of flats and cargo, passenger and other boats, plying whether for hire or not, and whether regularly or only occasionally, in or partly within and partly without the Port, and the quantity or cargo or the number of passengers or of the crew to be carried by any such vessel, shall be subject to such rules as may be laid down, from time to time, by the Central Government, and the

owners of such vessels shall be subject to the control of the Conservator of the Port and shall at all times carry out the orders and directions issued by him in connection with the plying of their vessels.

16. (1) No vessel shall be fumigated within the Port except at a place appointed by the Conservator of the Port for that purpose.

(2) Pitch or dammer shall not be heated on board a vessel within the Port, but may be heated in a boat alongside or astern of such vessel, nor shall spirits be drawn off on board such vessels, by candle or other unprotected artificial lights.

(3) Vessels while loading cotton in the Port shall not have any unprotected lights in the holds, or on deck, and shall have all hold ventilators screened with fine wire mesh.

(4) When gun-powder, ammunition or any other explosives in excess of 100 lbs. in weight is being loaded into or unloaded from any vessel within the Port, no fire, naked light or smoking shall, under any circumstances, be permitted on board such vessel.

17. (1) The following signals shall be made by masters of steam vessels while entering, leaving or manoeuvring in the Port:—

(a) While entering—Flag “F” to be hoisted either at the fore or amidships, where it can best be seen.

Note.—This flag will be repeated at the Port Flag-staffs and kept flying until the vessel is securely moored.

(b) While leaving—Flag “N” to be hoisted either at the fore or amidships, where it can best be seen.

Note.—This flag will be repeated at the Port Flag-staffs and kept flying until the Harbour Master or Assistant Harbour Master leaves the vessel.

(c) While shifting from one berth to another within the Port, a black ball or shape at least two feet in diameter to be hoisted on the fore-mast.

Note.—The flags mentioned above while indicating vessels movements are also intended to serve as a warning to all harbour crafts and sailing vessels.

(2) The following signals by a vessel's steam whistle or siren may also be made within the Port:—

(a) Warning to cargo boats, ferries, launches, etc., to keep clear—one long blast;

(b) For calling Tug “Cochin”—1 long, 2 short and 1 long blast;

(c) For calling Pilot launch—3 double blasts;

(d) For calling Mooring launch—2 double blasts.

Note.—For the information of all harbour craft the signals that may be made by a vessel's steam whistle or siren and their significance are given below:—

One short blast of one second duration shall mean, “I am directing my course to starboard”.

Two short blasts in succession each of one second duration shall mean, “I am directing my course to port”.

Three short blasts in succession each of one second duration shall mean, “My engines are going full speed astern”.

(3) The master of any vessel arriving in the Port with ammunition, explosives, or over 100 lbs. in weight of gun-powder on board as cargo shall for such time as the ammunition, explosives or gun-powder may be on board within the Port:—

(a) during the day, that is to say, between sunrise and sunset display a red flag “B” of the International Code at the fore-masthead, and

(b) between sunset and sunrise exhibit when at anchor a red light at the signal yard arm.

(4) All necessary signals may be made by vessels by using the International Code of Signals and they shall be acknowledged by the answering pennant being hoisted at the Port's Signal Stations. Communications by the Morse Code may be made by vessels to the Port Signal Station near the Lighthouse during night by flashing “A” at short intervals to call up the station.

(5) The storm warning signals, as approved by the Central Government for the Arabian Sea, under the General System shall be made from the Port Signal

Stations except the night signals which shall be made only from the Signal Station near the Lighthouse.

(6) The following signals may be made by vessels in the Port by hoisting the flag/flags amidships, or if no fore and aft stay is fitted to the vessel, at the fore signal yards:—

Signal	Meaning
Steamer's house flag.	Want Agent's launch or boat.
Steamer's house flag over Flag To.	Want Agent's tug.
Flag E.	Want Brunton & Co., Engineers, Ltd.
Flag I.	Want vessel's Dubash.
Flag K.	Want vessel's Stevedores.
Flag O.	Have full number of boats alongside.
Flag R.	Want an Ash boat.
Flag U.	Want Cochlin Engineering Works.
Flag V.	Ready to sail, waiting for papers.
Flag W.	Want a Doctor (or Medical Assistance).
Flag X.	Want extra gang coolies.
Flag Y.	Want Agent's representatives.
Flag Z.	Call sign for Harbour Signal Station, Willingdon Island.
International Code Flag B.	Have explosive or dangerous cargo on board.
International Code Flag ST.	Want Police.
International Code Flag YJ.	Want water immediately.
International Code Flag C.W.F.	Waiting for cargo.
International Code Flag I.R.D.	I am waiting for lighters.

Note.—The Willingdon Island Signal Station is established for the convenience of vessels in the Port and their agents. Messages received from such vessels will be communicated to the parties concerned as expeditiously as possible. In the same way messages intended for such vessels received from their agents will be signalled without delay. The station will work from sunrise to sunset.

18. All vessels within the Port shall have on board a sufficient number of crew, to perform all duties which may become necessary for the safety of the vessel in regard to veering or having in cable, bracing up the yards and striking yards and masts, in case of emergency arising.

19. No person shall be employed in cleaning, chipping or painting a vessel or in working in the bilges, boilers or double bottom of a vessel in the Port either before or after the hours which may be fixed from time to time by the Conservator of the Port for such purposes.

20. No person shall load, or ship, or attempt to load or ship, or tender for loading or shipment, on or into any vessel within the Port any package or object of which the gross weight is one metric ton or more unless and until the gross weight of such package or object has been plainly and durably marked upon it. If the exact gross weight of any exceptional package or object is not available, such package or object must be marked "weight not more than....." and the gross weight so marked must not be less than the actual gross weight.

21. Goods which are notified from time to time as "Hazardous Goods" by the Conservator of the Port shall be landed or shipped only under a permit issued by the Conservator of the Port or any other officer of the Port duly authorised by him in this behalf on an application being made before the arrival of the vessel by the Agents of the vessel landing the goods or the Exporters individually in the case of shipment as the case may be.

22. (1) The "Collision Regulations" shall apply to all vessels within the Port except when they conflict with these rules, in which case these rules shall prevail.

(2) All vessels shall keep out of the way of a sea-going vessel when she is entering or leaving the Port, or taking up or leaving a mooring or berth.

(3) Country sailing vessels, i.e., vessels known as dhows, booms, pattemars, kotias, dingnies, dhonies, and brigs, shall only moor in the area notified by the Conservator of the Port and are prohibited from anchoring in the approach channel or deep mooring channel. Such a vessel shall keep clear of the approach channel.

whenever such channel is being navigated by a steam vessel 300 feet or more in length.

(4) Every vessel shall be navigated with care and caution at a speed and in a manner which shall not endanger the safety of other vessels, property or life, special care and caution being used when passing jetties, moorings, deeply laden boats, or vessels employed upon salvage work, dredging, or work in connection with moorings.

(5) No tug shall tow more than six cargo boats or barges in line astern and the total registered capacity of the complete tow must in no case exceed 180 tons. The tow ropes between the towing vessel and the nearest vessel towed shall not exceed one hundred feet in length, and the tow ropes between subsequent vessels towed shall not exceed five hundred feet measuring from the stern of the towing vessel to the stern of the last vessel towed.

(6) No tug, cargo boat, passenger boat, launch, canoe, vallam or any other vessel, shall go alongside or tow any other vessel alongside a vessel approaching any mooring or anchorage within the Port during such time as Flag "F" is being displayed at the signal yard or amid ships, except with the special permission of the Conservator of the Port.

Nothing contained in this sub-rule shall apply to any vessel in which any Government or Port Official is proceeding alongside in the ordinary course of duty.

(7) A sea-going steam vessel when under way shall hoist half-mast on the foremast a black ball or shape, 2 feet in diameter, and when proceeding at full speed, right up.

(8) In obeying and construing these rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from these rules necessary in order to avoid immediate danger.

23. (1) All applications for vessels to be berthed shall be made in the form prescribed in rule 4 to the Conservator of the Port in advance of the vessel's arrival in the Port and shall be followed by the latest wireless or telephonic information of the vessel's expected time and date of arrival. The vessel's draught at her last port of call shall also be notified to the Conservator of the Port as early as possible.

(2) The agents shall either in the notice, or as soon as practicable after its despatch, express their preference, if any, for any particular berth for their vessel; the expression of such preference shall not, however, entitle the agents to any particular berth.

Note 1.—When the agents have expressed a preference for any particular berth the Conservator of the Port shall, whenever possible, arrange for such a berth.

Note 2.—When it is not possible to allot the berth desired, the Conservator of the Port shall give due intimation to the agents.

Note 3(i).—The allotment of berths shall be in the discretion of the Conservator of the Port. Other things being equal the vessel first sighted by the Signal Station shall be given priority in the allotment of berths provided her draught and other nautical considerations permit her to be placed in the moorings.

(ii) Nothing contained in clause (i) shall apply to Government Vessels embarking or disembarking troops, or landing or shipping Government stores, to passenger steamers, or to vessels landing or shipping live-stock.

(iii) The priority of the use of a mooring secured to a vessel under this rule does not, however, secure her a choice of mooring. Such choice is dependent upon the working arrangements.

(3) The quantities of cargo, detailed below must, subject to weather conditions, be discharged or shipped to enable a vessel to retain her berth—

(i) Export vessels must load daily a total quantity equivalent to at least 50 tons of general cargo, or 100 tons of bag cargo, per working hatch;

(ii) Vessels discharging kerosene oil in cases must discharge daily a quantity equivalent to at least 1,000 cases from each hatch from which the cases have to be discharged;

(iii) Vessels discharging general cargo must discharge daily a total quantity equivalent to at least 50 tons per working hatch;

(iv) Vessels discharging import bag cargo must discharge daily a total quantity equivalent to at least 150 tons per working hatch.

In the event of a vessel discharging or shipping on any one day less than the quantities specified, the Conservator of the Port may call upon her to vacate

her berth within 24 hours of the receipt of notice, if another waiting vessel desires access to it.

Explanation.—For purposes of this sub-rule the expression "day" shall mean a day of 24 hours from 6 A.M. to 6 A.M.

Nothing in this sub-rule shall be deemed to prevent a vessel having for discharge or in take at the Port lesser quantities of cargo than those specified above from having access to a berth, or from the use of other Port facilities.

(4) Any vessel which has been called upon by notice by the Conservator of the Port under sub-rule (3) to vacate her berth shall do so within the time specified in the notice.

(5) No vessel berthed within the Port shall draw fires of main boilers or effect such repairs as will necessitate more than 12 hours to raise steam without the special permission of the Conservator of the Port which must be obtained in writing before the vessel's arrival at the outer roads by the master or agents of the vessel.

24. (1) Vessels lying at the moorings shall not have either abreast or astern more than three cargo boats for each hatch, provided that not more than twenty-five cargo boats shall be attached to any one vessel, nor shall more than three cargo boats be allowed abreast on either side of any one hatch.

(2) Vessels lying at their own anchors shall not have more than twelve cargo boats alongside and not more than two cargo boats abreast at any one hatch.

(3) Vessels lying at the jetties or wharves shall not have alongside more than two cargo boats for each hatch, either abreast or astern, provided that not more than twelve boats shall be made fast to any one such vessel.

(4) No sea-going steam vessel shall lie at single anchor in the Port unless a Harbour Master or Assistant Harbour Master is on board.

(5) All vessels moored in the Stream shall keep a clear hawse and shall keep their cables free from turns.

(6) During strong ebb tides (which occur generally about the time of extreme low tides) more particularly during the S.W. Monsoon, and the burst of the N.E. Monsoon in October, vessels of more than 23 feet draft lying to ebb may experience some sheering at No. 1 Swinging Buoy. Masters of such vessels shall, when considered necessary, arrange for the helm to be tended during the strength of the ebb. In addition to their bower cable, they shall have their heaviest wire bent to the ring of the moorings.

(7) Vessels lying at the swinging moorings or alongside wharves shall at all times have at least one bower anchor at the bow, with a cable bent and ranged ready to let go. In cases where the vessel has no spare hawse pipe, the cable shall be on deck ready to be bent to the spare bower.

(8) Masters of Vessels shall exercise the ordinary practice of seamcn by seeing that vessels' moorings are properly tended during their stay in Port, especially in the case of fixed moorings when other vessels enter or leave adjacent berths. When the off anchor is down the cable shall be kept "up and down". Vessels lying at swinging buoys shall have not less than two links and not more than four links of buoy chain hove up above the buoy while moored, in addition, such vessels shall have their best heavy wire hawser secured to the buoy shackle.

25. Vessels having explosives on board shall not enter the port except in accordance with the terms of a permit in writing granted by the Conservator of the Port.

[No. 6-PII(61)/52.]

C. PARTHASARATHY, Under Secy.

MINISTRY OF WORKS, HOUSING AND SUPPLY

New Delhi, the 16th September 1953

S.R.O. 1783.—In exercise of the powers conferred by sub-section (1) of section 4 of the Inflammable Substances Act, 1952 (XX of 1952), the Central Government hereby directs that the following further amendment shall be made in the Notification of the Government of India in the late Ministry of Works, Production and Supply, No. M-102(43)/51, dated the 31st March, 1952, namely:—

In the Schedule to the said Notification in item 2 after the words "in the district of Karnal" the words "Samrala in the district of Ludhiana" shall be inserted.

[No. M-102(43)/S&PII/51.]

J. K. ROY, Under Secy.

(Central Boilers Board)

CORRIGENDUM

New Delhi, the 18th September 1953

S.R.O. 1784.—In the notification of the Central Boilers Board No. S. R. O. 531, dated the 16th March, 1953, published at page 326, Part II, Section 3, of the Gazette of India, dated the 21st March, 1953, for "Messrs. R. J. Del Pan Corporation, International Inspection Agency, Japan" read "the International Inspection and Testing Corporation, Japan".

[No. BL-312(10).]

New Delhi, the 18th September 1953

S.R.O. 1785.—The following draft of a further amendment to the Indian Boiler Regulations, 1950, which the Central Boilers Board propose to make in exercise of the power conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923) is published as required by sub-section (1) of section 31 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after the 30th November 1953.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Boilers Board. Such objections or suggestion should be addressed to the Secretary, Central Boilers Board, Ministry of Works, Housing and Supply, New Delhi,

Draft Amendment

Add the following note at the end of Appendix E of the Indian Boiler Regulations, 1950, namely:—

"STANDARD PIPE FLANGES"

The different tables of flange dimensions (Tables F-T) have been designed to suit pipes and vessels containing steam at a maximum temperature of 800°F.

If the temperature is higher than 800°F and does not exceed 900°F, the following Table should be used for the next higher pressure.

Water pipes for a given pressure in which the water temperature does not exceed 450°F may be fitted with Flanges to the next lower Table than that required for steam at the stated pressure and a maximum temperature of 800°F.

In all cases the hydraulic test pressure should be twice the working pressure to which the pipes are subjected in use.

Table showing the permissible application of pipe flanges tables

Pressure Lb/sq. in.	Steam at 900°F	Steam at 800°F	Water at 450°F	Hydraulic Test Pressure Lb/sq. in.
		Table	Table	Table
1400	.	T	S	2800
900	.	S	R	1800
600	.	R	K	1200
450	.	K	J	900
350	.	J	H	700
250	.	H	F	500
150	.	F	.	300

[No. B. L.—304(18)/52]

H. K. BANSAL, Secy.

MINISTRY OF LABOUR

New Delhi, the 15th September 1953

S.R.O. 1786.—In pursuance of sub-rule (2) of rule 5 of the Coal Mines Rescue Rules, 1939, the Central Government hereby appoints Mr. R. A. F. Slatter, nominated by the Indian Mining Association, as a member of the Rescue Stations Committee constituted under the Notification of the Government of India in the Ministry of Labour No. S.R.O. 23, dated the 31st December, 1951, vice Mr. G. W. Hogg proceeded on leave ex-India.

[No. M-54(2)/53.]

New Delhi, the 17th September 1953

S.R.O. 1787.—In exercise of the powers conferred by Section 58 of the Mines Act, 1952 (XXXV of 1952), the Central Government hereby makes the following rules, the same having been previously published as required by sub-section (1) of section 59 of the said Act, namely:—

CHAPTER I

PRELIMINARY

1. (1) These Rules may be called the Mysore Gold Mines Rules, 1952.
- (2) They shall apply only to gold mines in the State of Mysore.
2. In these rules unless the context otherwise requires:—
 - (1) "the Act" means the Mines Act, 1952.
 - (2) "Section" means a section of the Act.
 - (3) "Superintendent" means the manager of a gold mine.
 - (4) "Medical Officer" is the duly qualified person appointed by the owner to have medical charge of the persons employed at the mine.
 - (5) "Mining Officer" includes the Superintendent, Chief Underground Agent, Chief Surveyor, Chief Engineer, Chief Metallurgist, Chief Cashier and Accountant and their respective Assistants, and others holding posts of equal importance.

CHAPTER II

POSTING OF NOTICES, ETC.

3. For the purpose of making these rules known to all persons in and about the mine, printed copies thereof shall be posted in conspicuous places at the mine where they can be conveniently read, and every person employed in or about the mine is enjoined to thoroughly acquaint himself with them so far as they affect his duties.

4. All rules and notices shall be printed or written in such languages as the Chief Inspector shall direct and must be posted up in a position where they can be easily seen by persons frequenting the place.

5. All rules and notices posted in or about the mine must be authorised by the Superintendent.

6. Any person pulling down or otherwise defacing any rules or notices, when posted up, shall be guilty of a breach of these rules.

7. *Register of employees.*—The register maintained at every mine in accordance with sub-section (1) of Section 48 shall show the names and such other particulars of—(1) all persons directly employed in the mine; (2) all contractors and work persons they respectively employ; and (3) all mestries, blasters and engine drivers (if any) employed by the contractors.

8. The following persons shall be deemed to be persons holding positions of supervision or management or employed in a confidential capacity, within the meaning of Section 37 of the Act:—

- (a) "Mining Officer"
- (b) "Foreman", "Assistant Foreman", "Head Mestri" and "Electrician"
- (c) "Surveyor"
- (d) Clerks, Accountants and time-keepers.

CHAPTER III

SANITARY AND HEALTH PROVISIONS

9. The Superintendent shall provide or cause to be provided underground, a supply of wholesome drinking water at points reasonably accessible to working places.

10. At every mine a suitable change house or houses with accommodation proportionate in size to the number of persons employed shall be provided for underground workmen. Proper arrangements for bathing, changing and the drying of clothing shall be made.

No person shall use an engine or boiler house for the purpose.

11. At every mine latrine and urinal accommodation on a scale approved by the Inspector shall be provided both on the surface and in the underground workings.

12. All latrines and urinals in or about a mine shall be kept in a sanitary condition.

13. At every mine arrangements shall be made for keeping the working places and travelling roads both on the surface and underground clean from excreta.

14. No person shall pollute the underground workings with excreta. No person shall wantonly misuse or foul the latrines provided either on the surface or underground.

CHAPTER IV

FIRST-AID AND MEDICAL APPLIANCES

15. In all cases of accidents, the owner shall arrange for medical assistance to be rendered to the injured as speedily as possible and shall make the following provision for persons employed in operations conducted under a mining lease:—

- (1) If the number of persons employed daily below ground exceeds 500 or if the total number employed exceeds 1,500, one qualified Medical Officer residing within five miles of the mining block.
- (2) If the number of persons employed daily below ground exceeds 50 or if the total number employed exceeds 500, one Assistant or Sub-Assistant Surgeon, residing within five miles of the mining block.
- (3) If the total number of persons employed exceeds 250, one Assistant or Sub-Assistant Surgeon, residing within ten miles of the mining block.

The foregoing limits may be relaxed by the Chief Inspector in the event of the owner making other arrangements to suit the special circumstances of the work under his control.

16. In order to render immediate assistance in cases of injuries as broken bones, wounds, bleeding, contusion, scalding and suffocation, there must be ready at hand at every mine all such necessary articles and medicines as the Medical Officer shall direct and also an ambulance for the removal of injured persons; and so far as possible every person in charge of any work below ground shall be acquainted with the means of giving first-aid to persons injured.

17. At the head of every main travelling shaft an emergency station shall be provided and such emergency station shall be provided with at least the following:—

Two suitably constructed stretchers, two woollen blankets, two or more first-aid boxes, a supply of dressings and splints, Burrel masks, one portable oxygen inhalation apparatus.

18. One or more competent persons holding Ambulance Certificates shall be appointed to take general charge of the emergency station referred to in Rule 17 and be responsible for the upkeep of the apparatus and the appliances provided.

19. Every underground mining official shall carry, while on duty, a water proof box containing materials for first-aid.

CHAPTER V

FIRE RESCUE BRIGADE

20. There shall be organised and maintained competent Fire Rescue Brigades on the following scales:—

At every mine where the total number of underground employees is more than—100—One brigade.

700—Two brigades.

Provided that the owner of a mine or the Superintendent shall be deemed to have complied with this provision if he has acquired the right of calling for brigades from a Central Rescue Station.

A Fire Rescue Brigade shall consist of not less than five persons employed at the mine carefully selected on account of their knowledge of underground work, coolness and power of endurance and certified to be medically fit, a majority of whom shall be trained in First-aid work.

CHAPTER VI

MISCELLANEOUS

21. No person shall be permitted to take or consume any intoxicating drink or drug while at work in a mine and no person shall be permitted to enter or remain in or about a mine in a state of intoxication.

[No. M.41(25)52.]

S.R.O. 1788.—In exercise of the powers conferred by Section 57 of the Mines Act, 1952 (XXXV of 1952), the Central Government hereby makes the following regulations, the same having been previously published as required by sub-section (1) of section 59 of the said Act, namely:

CHAPTER I

PRELIMINARY

1. **Short title and extent.**—(1) These regulations may be called the Mysore Gold Mines Regulations, 1953.

(2) They shall extend to the whole of the State of Mysore and apply only to gold mines therein.

2. **Definitions.**—In these regulations unless the context otherwise requires:—

(1) “the Act” means the Mines Act, 1952.

(2) “the District Magistrate” in relation to any mine, means the District Magistrate of the district in which the mine is situated:

Provided that in the case of a mine which is situated partly in one district and partly in another, the District Magistrate for the purpose of these regulations shall be the District Magistrate authorised in this behalf by the Central Government.

(3) “Form” means a form as set out in the Schedule.

(4) “Superintendent” means the manager of a gold mine.

(5) “Chief Underground Agent” is the Officer of the mine who is in charge of the whole of the under ground portion thereof under the direction of the Superintendent.

(6) “Assistant Underground Agent” is an officer whose duty it is to assist the Chief Underground Agent.

(7) “Chief Engineer” is the officer in charge of all the machinery of the mine.

(8) “Assistant Engineer” is an officer whose duty it is to assist the Chief Engineer.

(9) “Mining Officer” includes the Superintendent, Chief Underground Agent, Chief Surveyor, Chief Engineer, Chief Metallurgist, Chief Cashier and Accountant and their respective Assistants, and others holding posts of equal importance.

(10) “Underground Foreman” is a subordinate employee of the mine to whom the detailed execution of part of the duties of a Chief or Assistant Underground Agent is delegated.

(11) “Assistant Underground Foreman or Head Mestri” is a subordinate employee whose duty it is to see that work is done in a safe and workmanlike manner in the part of the mine assigned to him.

(12) “Workman” includes every person engaged in mining operations and subordinate in position to an Assistant Underground Foreman.

(13) “Working place” means any place above or below ground where any mining operation is being carried on, and includes any winze, pass, way or other means of access thereto, which is not used for general travelling purposes.

(14) “Working party” means a party of two or more men working at the same working place.

(15) "Blaster" means a workman employed in blasting operations, who prepares charges of explosives, charges holes and fires shots and includes a Blaster Mestri.

(16) "Mestri" means any workman in charge of a working party and the working place assigned to him.

(17) "Banksman" means a workman stationed at the shaft top specially appointed to superintend the raising and lowering of materials, tools and persons.

(18) "Signalman" means a workman specially authorised to transmit signals between the shaft top and the engine driver and between the shaft top and the stations below ground.

(19) "Bellman" means a workman specially appointed to superintend the loading and unloading of persons at any station below ground, and the transmission of signals between such station and the shaft top.

(20) "Contractor" is one with whom a Company has contracted for the whole or any part of any work which is ordinarily part of the Mining Industry.

(21) "Contractor's Mestri" means any mestri in charge of a working party and the working place assigned to him.

(22) The "Immediate Superior" of any person employed in a mine is the person whether a Mining Officer, or Foreman, or Assistant Underground Foreman or Contractor or Mestri, from whom he takes orders. In the case of a workman other than a mestri, it will generally be the person in charge of his working place.

(23) "Medical Officer" is the duly qualified person appointed by the owner to have medical charge of the persons employed in the mine.

(24) "Shaft" means any adit, or vertical or inclined way, or opening, leading from the surface to the underground working, or from one portion of the underground workings to another which is or might be, used for winding, draining, travelling or ventilating purposes in connection with prospecting or mining operations.

(25) A "Sinking Shaft" is a shaft exclusively devoted to its depth being increased.

(26) "Winze" or "Rise" means a small underground shaft, either vertical or inclined.

(27) "Support" shall include timber work, masonry iron work or other means of securing ground.

(28) "Misfire" shall mean a hole in which the entire charge of explosive has failed to explode.

(29) "Socket" shall mean a hole or part of a hole remaining after blasting and which may or may not contain a remnant of a charge of explosives.

CHAPTER II

SURFACE PROTECTION

3. **Fencing of subsidences.**—Where mining operations have caused subsidences or cavities on the surface, or where such are likely to occur, such places shall be securely fenced in and conspicuous notice boards put up to warn persons off.

4. **Protection of public squares, etc.**—For the protection of public squares, roads, railways, cemeteries, rivers, water-rights, buildings and other property on the surface, the reefs, or other mineral deposits, must be left intact for such depth below them and for such horizontal distance as the Chief Inspector shall prescribe.

5. **Filling of excavations.**—All excavations made contrary to the provisions of the preceding regulation, shall be immediately filled up with rock, sand or earth by the person or persons responsible for such excavations.

6. **Protection of shaft mouths.**—The top and side enterances of all shafts, that are more than 10 feet deep, must be kept securely fenced or covered, except so far as may be necessary to allow of mining operations being efficiently carried on. The fence may be removed for necessary work if due precautions are taken.

7. **Abandoned trenches, etc., to be filled in.**—When any shaft, trench or other excavation more than 10 feet deep, made in the course of mining operations, is or has been abandoned or the working thereto discontinued, at whatever time the abandonment or discontinuance occurs, the owner and every other person interested in the land in which such excavation is situated shall without delay, either fill up such shaft, trench or other excavation, or protect the same by a substantial stone barrier on all sides at least 3 feet 6 inches high and 2 feet thick.

Provided that this regulation may be relaxed with the consent of the Inspector or of the District Magistrate in the case of an open working of which no side has a steeper slope than 45° and which is not considered to be dangerous.

8. Protection round prospecting trenches.—In digging prospecting trenches, the materials excavated must be used to form approximately equal ridges on all sides.

9. Removal of overburden in open workings.—In open workings, the overburden and all loose ground and materials shall be removed sufficiently far from the edge or otherwise and made secure to prevent danger to persons employed in the mine.

10. Open workings.—The sides of open workings shall be sloped, stepped or secured in such a manner as to prevent danger from falls of material and no side shall be cut or worked so that any portion of it projects or overhangs.

11. Protection round open workings.—Any place in or about an excavation which is dangerous shall be made safe or shall be kept securely fenced. Should any doubt arise as to whether a place is dangerous or not, the opinion of an Inspector or of the District Magistrate shall be conclusive on the point.

12. Fencing entrance to open workings.—Where an excavation, which has been formed as the result of any mining operation, extends within fifty feet of a public road or dwelling house, and persons are likely to be endangered thereby, substantial fencing shall be erected and maintained around the excavation.

13. Open workings provision of footpaths.—Every foot-path along which loads are carried in open workings by human agency shall comply with the following requirements:—

- (a) its breadth shall not be less than 3 feet;
- (b) its slope shall be no greater than one vertical to two horizontal;
- (c) at every place where its slope exceeds one vertical to four horizontal reasonably level steps should be provided such that the vertical height of every step does not exceed 7 inches and the dimension of every step measured horizontally from the edge to the back is not less than 14 inches.

14. Restriction of weight of load in the case of women employees.—Where women are employed in carrying loads, the weight of the load and the height and distance to which they have to be carried shall not be such as to involve risk of injury to the health of the women. If any dispute arises as to whether the risk of injury to health is involved, the decision of the Chief Inspector shall be final.

15. Poisonous water, etc.—Inadvertent access to water, which contains poisonous or injurious chemicals used in mining operations must be prevented by fencing or other effectual means and notices must be put up in suitable places warning persons against using such water.

CHAPTER III

WORKMEN

16. Engine drivers, etc., to have certificates.—Every driver of a winding engine and every blaster and underground Mestri, shall hold a certificate in that capacity from an Inspector:

Provided that the driver of a winding engine which has cylinders not exceeding seven inches in diameter and which is not used for raising and lowering persons shall not be required to hold a certificate.

17. If in the opinion of an Inspector, the holder of a certificate has been guilty of negligence or of misconduct in connection with the discharge of his duties his certificate may be suspended or cancelled by an Inspector subject to confirmation by the Chief Inspector.

18. Qualifications for a certificate.—An applicant for a certificate shall have attained the age of 21 years, and—

- (a) for a certificate for work as a winding engine driver on the surface shall have had not less than one year's practical experience in winding operations;

- (b) for a certificate for work as a winding engine driver underground shall have had not less than three years' practical experience underground of which not less than one year shall have been in winding operations;
- (c) for a certificate for work as a blaster or underground mestri shall have had not less than three years' practical experience underground in metalliferous mines.

19. Periodical Medical examination of engine drivers.—Every certified engine driver in charge of a winding engine shall hold a medical certificate from a medical officer which shall be renewed or endorsed at intervals not exceeding three years or at such time or times as the Inspector may require, certifying that the holder is free from deafness, defective vision or any other infirmity, mental or bodily, likely to interfere with the efficient discharge of his duties.

20. Fees.—The following fees shall be paid by each applicant for a certificate under the preceding regulation 16:—

	Rs. as. p.
Engine Driver, I Class	... 7 8 0
Engine Driver, II Class	... 5 0 0
Underground Mestri	... 5 0 0
Blaster	... 5 0 0

NOTE.—(1) Except with the permission in writing of the Inspector, no person who does not possess a I class Certificate shall be employed as a Driver of a winding engine, the cylinders of which exceed twelve inches in diameter. Such permission may be granted in cases of urgency or for specified periods to men on probation or in training.

Only Drivers holding I Class Certificates shall be permitted to drive electric winding engine of 75 H.P. and upwards.

(2) Engine-Drivers of the II class, when applying for I Class Certificate shall pay the difference between the I and II Class fees.

(3) Underground Mestries presenting themselves for examination may, at the same time, qualify as blasters without payment of any additional fee.

21. Examination for a certificate.—Every applicant shall appear before an Inspector for examination and, after satisfying the latter as to his competency, shall be entitled to receive a certificate and metal check marked with the registered number of the certificate.

Any applicant who fails to obtain a certificate may re-appear for examination on payment of half the original fee prescribed by regulation 20.

22. Certificate to be with the Superintendent of Mine.—Every certificate granted under these regulations shall be kept by the Superintendent in safe custody at the office of the mine at which the holder thereof is employed, and when the holder ceases to be employed at that mine, the certificate shall be returned at once to the office of the Inspector.

23. Transfer or disposal of metal checks by certificate holder prohibited.—The metal check given with each certificate shall remain always in the possession of the certificate-holder and must not be transferred or disposed of in any way. The possession of these checks by any person other than the holder of the corresponding certificate, is strictly prohibited and any person finding one shall return it to the office of the Inspector.

24. Issue of duplicate metal checks.—When a metal check granted under the preceding regulation is lost, a duplicate may be issued on payment of a fee of Rs. 2 provided the Inspector is satisfied with the identity of the applicant.

25. Responsibility of employer towards new Workmen.—Any person who engages a workman who is new to the mine must arrange that he is properly looked after until he is acquainted with the mine.

26. Substitute workmen.—Any workman sending a substitute in his place shall first obtain the permission of his immediate superior and shall at the same time inform him whether the substitute is acquainted with the mine. If he is not, the person so informed shall see that he is properly looked after. In the case of a substitute for a mestri or blaster, the consent of an Underground Agent and in the case of a substitute for an engine driver, the consent of an Assistant Engineer must be obtained.

CHAPTER IV

UNDERGROUND WORKINGS.

27. Foreman or other certified workman to be in charge of working place.—Every working place where work is being carried on shall be placed under the charge of an underground foreman or assistant underground foreman in the direct employment of the Company or a certified mestri or a blaster who shall be responsible for the safety of such place and shall be present.

When work is carried on by a contractor, it shall be his duty to see that a certified mestri or blaster employed by him is placed in charge of the work and such mestri or blaster shall be responsible for the safety of the working place and shall be present.

28. Responsibility of the person in charge.—The person in charge of a working place or place where men are stationed or pass, shall take all precautions to ascertain if the place is safe. If there is reason to suppose that there is any danger to persons working, stationed or passing therein, he shall proceed at once to remove the source of danger, and if he is unable to do so himself, he shall inform an Underground Agent or other Mining Officer or (unless he is himself an Underground Foreman or an Assistant Underground Foreman) an Underground Foreman or Assistant Underground Foreman of the fact as soon as possible, and in any case before leaving the mine. He shall, in the meantime, stop all work or access to such working place, except for the purpose of making the place safe or saving life. A Foreman or Assistant Underground Foreman who receives information under this regulation of danger to a working place shall be then considered in charge of such working place.

29. Inspection of working places.—Every working place and every place where persons are stationed or pass, shall be inspected at least once every day when work goes on there, during the morning shift and as far as practicable at least once a week in each of the other shifts by an Underground Agent or Underground Foreman or Assistant Underground Foreman or Head Mestri, who shall satisfy himself that the place is in a safe condition, and he shall report to the Superintendent any case of serious neglect on the part of the person in charge.

30. Record of inspection.—The examination under the above regulation of any shaft, by which men enter or leave a mine must be made by an Underground Agent or specially selected Underground Foreman or an Assistant Underground Foreman and the result of one such examination in every week must be entered in a book to be kept on the mine.

31. Supporting of shafts, etc.—All shafts in use and all underground workings in which the ground is not sufficiently firm must be made secure with suitable support and such support must be renewed as often as necessary to ensure the safety of the workmen and until so secured or renewed no person shall travel or work therein except for the purpose of making the place secure. When it is absolutely necessary to work below ground suspected to be unsafe, which cannot be removed or permanently secured at once, temporary supports shall where practicable be employed.

32. Lining of shafts.—The permanent timbers or lining of brick, concrete or masonry in a shaft either vertical or inclined in the course of sinking shall at no time be more than 20 feet from the shaft bottom.

The provisions of regulation 32 shall not apply—

- (i) When iron or steel rings with a lagging of planks are used below the permanent lining of brick, concrete or masonry in circular or elliptical shafts and are kept close to the shaft bottom. In these cases the permanent lining of the shaft shall at no time be more than 60 feet from the shaft bottom.
- (ii) In winzes not exceeding 8 feet in diameter the amount of timbering and its distance from the winze bottom shall be determined by the Agent in charge.
- (iii) When cutting stations at levels temporary supports should be used as may seem necessary.
- (iv) In special cases when the sanction of the Inspector has been obtained.

33. Inflammable timber not to be used.—In timbering a shaft, care shall be taken that the wood, employed in places where the ground is dry shall not be of an easily inflammable nature and suitable means shall be provided for checking any outbreak of fire.

34. Workings nearing water Precautions.—Where a place is likely to contain a dangerous accumulation of water, a working approaching it shall not at any point within 40 yards exceed 8 feet in width and 8 feet in height and there shall be constantly kept at a sufficient distance not being less than five feet six inches in advance at least one bore-hole near the centre of the working and sufficient flank bore-holes on each side.

35. Boundary Pillars.—In the underground mining operations the ground on the inside of the boundary lines must be left intact for a width of 6 feet from such boundaries but the working, cutting through or removing these boundary pillars is allowed by agreement between the owners of the adjoining mines.

36. Recognised travelling road.—An underground workman commencing work shall proceed to his working place by the recognised travelling road and shall not without due cause stop or loiter on the way. On leaving work, he shall again proceed to leave the mine as directly as possible along the recognised travelling road.

37. Workman not to leave working place without the permission of mestri.—A workman having reached his working place shall commence work under the direction of his mestri and shall not leave the working place until the end of his shift without permission of his mestri.

38. Mestri's duty.—Every mestri or other person in charge of a working party, shall see that none of the workmen forming the party shall leave the working place without his permission. He shall report to an Underground Foreman any workman so leaving without permission.

39. Unauthorised persons—Prohibited from or remaining in working place.—Every mestri or other person in charge of a working place shall see that no other person except those workmen who are on duty at the said working place remain in or at the place and shall report to an Underground Foreman any unauthorised person so doing.

CHAPTER V

PREVENTION OF FALL OF THINGS AND PERSONS

40. Precautions against fall of things, etc.—Tools, wood, stones or any other articles shall not be put down or allowed to remain in such a position in or near shafts or winzes or openings into stopes where work is going on as may result in their falling into them. When a shaft, winze, rise, chute or stope leads directly into a travelling road or place where persons are stationed or at work the traffic at such places must be guarded against danger from falling articles.

41. Opening into a shaft, etc., to be covered.—Every opening into a shaft, winze, chute or sliding hole and any opening into a stope more than ten feet deep below a drive and other dangerous openings shall be provided with a barrier or cover in order to prevent persons or things from falling into them; and the barrier or cover may be temporarily removed when necessary, provided proper precautions are taken to prevent danger to persons.

42. Precautions while sending material down chute, etc.—No person shall cast any material down any chute, pass, stope or other place until he has made himself sure that no person is in the way.

43. Protection for sinkers.—Men engaged in sinking or in repairing any portion of a shaft must be protected by a suitable covering from objects falling from above. The ladderway may form part of such covering.

44. Shaft sinking covering.—Where a winding engine is used at a shaft in the course of sinking, no person shall be allowed to work at the bottom of such shaft unless protected by an adequate covering extending over the whole area of such shaft, sufficient space only being left therein for the passage of any sinking cage, skip, bucket or other means of conveyance. In the case of vertical shafts, such covering shall be situated not more than 75 feet from the shaft bottom. In the case of inclined shafts such covering shall be situated not more than 100 feet from the shaft bottom except with special permission in writing from the Inspector.

45. Bamboo hats.—No person shall work underground unless he wears a hard or bamboo hat of a type approved by the Chief Inspector.

46. Winding compartment, Provision against crossing.—At every shaft station where it is necessary for workmen to pass from one side of the shaft to the other,

provision shall be made for them to do so without entering or crossing a winding compartment. Such passage shall be securely fenced off from moving parts of machinery.

47. Precautions to be observed while working in steep places.—No member of a gang shall work or be caused or permitted to work at any place with an inclination of more than 45° where inadvertent slipping or overbalancing may result in his sliding down, unless he is secured by a life-line or otherwise safeguarded.

CHAPTER VI

SHAFTS AND OUTLETS

48. Double outlet to surface.—(1) No Owner, Agent or Superintendent of a mine shall employ any person in a mine or permit any person to be in a mine for the purpose of employment therein, unless—

There are at least two shafts or outlets with which all the underground workings of the mine have communication, so that such shafts or outlets afford separate and efficient means of ingress and egress available to all persons employed in the mine whether the shafts or outlets belong to the same mine or to more than one mine.

(2) **Distance between outlets.**—Provided also, that such shafts or outlets must not at any point be nearer to one another than 30 feet and that there is between two such shafts, or outlets a communication in the mine not less than 4 feet high and 4 feet wide, and that sufficient means of ingress and egress are provided at each shaft.

49. Exceptions to Reg. 48.—The provisions of Regulation 48 shall not apply—

- (1) to any shaft which is actually being sunk;
- (2) to any work for the purpose of opening up communication; or
- (3) to any work for the purpose of opening out the mine or proving or searching for minerals which does not continue for more than one year or does not extend for more than 50 feet from the shaft.

50. Exceptions in certain cases.—The provisions of these regulations shall also not apply—

- (1) to any other work for the purpose of opening out the mine or proving or searching for minerals;
- (2) in case of an accident to a shaft;
- (3) if the mineral would not repay the cost of a second shaft;
- (4) in other cases where the circumstances of the case would render the provision of two shafts not reasonably practicable and where the rock is firm and there is no reason to apprehend danger from water or noxious gases.

Provided that the consent of the Chief Inspector is previously obtained.

51. Ladderways.—Where there is only one shaft and it exceeds 100 feet in depth and is not merely a sinking shaft, it shall be provided both with ladders and with other means of raising and lowering men.

CHAPTER VII

INCLINES

52. Manholes.—Every underground plane on which persons travel on foot which is self-acting (that is to say, the motive power is the weight of the load in the wagon), or worked by an engine, windlass or gin shall be provided (if exceeding 90 feet in length) with some proper means of communicating distinct and definite signals between the stopping places and the ends of the plane shall be provided in every case with sufficient manholes or places of refuge at intervals of not more than 60 feet. No person shall be allowed to travel on foot on any such place if there is not room for a person to stand between the tracks and one of the walls.

53. Care of manholes.—Every manhole and space for a place refuge shall be constantly kept clear and no person shall place anything in a manhole or such space so as to prevent access thereto.

CHAPTER VIII
WINDING GENERALLY

54. Electric hoists.—All electric hoists fitted with mechanically operated brakes shall be so installed that—

(a) **Automatic brakes.**—The mechanically operated brakes will be applied automatically the moment the power supply fails;

(b) **Circuit breaker.**—In case of a heavy overload, such as would be caused by the shaft conveyance leaving the rails or becoming jammed in the shaft, a circuit-breaker will cut off the power and thus allow the mechanically operated brakes to come into play;

(c) **Overwind device.**—A suitable overwind device, which can be set to engage shaft conveyance at any point in the head frame, will cut off the current, in case of an overwind past this point, and thus allow the mechanically operated brakes to come into play. In default of a device of this nature the hoist shall be equipped with some other form of satisfactory and dependable overwind device. Such devices shall be tested out by the hoistman at least once a week;

(d) **Brakes operated by mechanical means.**—The brakes shall, on failure of the power supply, be put into play by mechanical means, preferably gravity, and shall in no case be operated by an auxiliary electric current.

55. Testing of brakes.—The operator of a hoisting engine shall not, after going on shift, hoist men until he has satisfied himself by actual test that the hoist-brakes are in good working condition; and, when the hoist-engine is fitted with a friction-clutch, it shall be similarly tested.

56. Windlasses, etc.—Windlasses, whims and whips in use at shafts and winzes shall be provided with a stopper, lynch-peg or other reliable holder.

57. Rope-shackles.—The connection between the rope and the bucket, skip or other conveyance must be of such character that no accidental disconnection can take place and care must be taken that the hooking on and off buckets is done without danger to the workmen.

58. Buckets, etc., to be steadied.—(1) No bucket or other means of conveyance shall be allowed to leave the top or bottom of the shaft or winze unless the workman in charge thereof has steadied or caused it to be steadied.

(2) In a vertical shaft in the course of sinking except at time of blasting, the bucket or kibble shall be raised from the bottom slowly and shall not be accelerated until the rider has been picked up.

59. Guides in vertical shafts.—Vertical shafts exceeding one hundred feet in depth shall be provided with guides for kibbles unless exempted in writing by the Chief Inspector.

Such guides shall always be kept extended down to the lowest set of timbers; also the crosshead shall be allowed to travel to the lowest set but one and in no case shall the lowest set of timbers be more than fifty feet from the shaft bottom.

60. How far buckets should be filled.—In hoisting, the bucket, skip or other receptacle shall not be filled to such a height that any of the contents can fall out and in no case above the level of the brim.

61. Buckets etc. to be stopped above sink before being lowered.—Where a winding engine is used at a shaft in the course of sinking, the cage, skip or bucket or other means of conveyance shall not be lowered directly to the bottom of the said shaft if men are there present but shall be stopped at least 15 feet from the said bottom until the signal to lower it further has been given by one of the sinkers therat.

62. Timber, etc., to be fastened while being hoisted.—In hoisting or lowering timber, tools, etc., ends projecting above the top of the cage, skip or bucket must be securely fastened to the rope or bow. If a detaching hook is employed between the rope and the conveyance, care must be taken to secure it to any material which may project above it.

63. Winding compartments entry prohibited.—Entering any section of a winding compartment of a shaft while winding is going on in that section is prohibited except in cases of necessity.

64. (1) Engines, brakes, operating gear, clutches, etc.—When winding is effected by means of an engine each drum must be provided with an adequate brake so

arranged that it can be easily manipulated by the engine driver when standing at the levers controlling the engine.

(2) The operating gear of the clutch of the drum shall be provided with locking gear to prevent inadvertent withdrawal of the clutch.

(3) **Unclutching drums.**—The driver of a winding engine shall not unclutch a drum of his engine until he has assured himself immediately beforehand by testing the brake of the drum against the full power of the engine that the brake is in proper condition to hold the load suspended from the said drum.

(4) When the drum is unclutched the brake shall only be used for the purpose of maintaining such drum stationary. Lowering from an unclutched drum is not allowed.

(5) **Interlocking device.**—Every winding plant used for the raising and lowering of persons shall have a suitable interlocking device fitted so that it is impossible to unclutch any drum unless the brakes of such drum are on and that it is impossible to release the brakes until the clutch is fully engaged and securely locked.

(6) Lowering or raising of persons in an unclutched cage or skip is prohibited.

65. **Ropes—Quality strength.**—Ropes used for winding must be in good condition and of good quality and manufacture. The wires used in the construction of the ropes shall be of sizes suitable for use with the sheaves and drums fitted.

66. **Ropes—Attachment to drums.**—The rope shall be securely fastened to the drum and there shall be at least three turns of rope on the drum when the cage, skip or bucket is at its lowest point in the shaft.

67. (1) No rope, bar, link, chain or other connection shall be used for winding purposes unless it is of good quality and manufacture and free from any patent defect and of adequate calculated strength.

(2) **Strength of bar etc.**—Every rope used for winding purposes in shafts or winzes over one hundred feet in depth, measured on an incline or vertical as the case may be, shall be made of steel wire and the gauge of the wires used in the construction of such rope shall be suited to the diameter of the sheaves and drums fitted.

(3) At the request of the Inspector an adequate sample from the end of any winding rope shall be supplied to him.

68. **Winding during repairs, examination, etc., of shaft.**—(1) No person shall effect repairs, conduct any examination, or do any work in a compartment of a shaft or of a headgear whilst winding operations are being carried on in such compartment and no winding shall be carried on or permitted in any compartment of a shaft whilst persons are engaged in effecting repairs in or in examining such shaft or compartment of a headgear or performing any other work therein, except—

(a) where persons are so engaged below the lowest point from which it is required that winding shall take place during such repairs, examination or work;

(b) where persons are so engaged in a compartment other than that in which it is required that winding shall take place;

Provided that in either of such cases persons are securely protected from any skip, cage or other winding apparatus, as well as from falling stones and falling materials; or

(c) where winding is necessary for the purpose of such repairs, examination, or work; or

(d) where such person is engaged in filling skips at ore chutes, if such person is securely protected in a refuge place of adequate dimensions fitted with a signalling device to the authorised persons so arranged that no signal can be given on such device unless the operator is completely inside such refuge place.

(2) The person or persons in immediate charge of any repairs, examination, or work in a shaft shall warn the engine driver or drivers who may be on duty at the time at such shaft that such repairs, examination, or work are about to be undertaken, and shall, where practicable, forthwith enter such warning in the driver's log book provided and such entry shall be countersigned by the driver on duty at the time at such shaft and by the driver relieving him. Where it is not practicable for the person or persons in charge of such repairs, examination or work to enter such warning, the entry shall be made by the engine driver on duty. The entry shall be cancelled by the person or persons in immediate charge of such repairs, examination or work, on completion thereof.

69. Provision of 'dogs' to runners.—Whether detaching hooks for releasing the rope and hanging up the cage, or skip in case of an overwind are provided or not, the runners shall be sprung or provided with 'dogs' or other device for holding up the cage or skip in all vertical shafts.

70. Examination of brakes.—The brakes, shackle and all other parts of the winding gear shall be carefully examined once in every twenty-four hours by a competent person specially appointed for the purpose and a report of every such examination shall be entered forthwith in a book provided for the purpose. The Inspector shall have power to exempt in writing small winding gears and hoists from the provisions of this regulation.

71. Rope Records Book.—(a) A register shall be kept at every mine in which the following particulars (obtained from the makers) of all new winding ropes shall be entered in ink and certified to be true by the Superintendent. Each rope, as soon as received, shall be given a serial number in the Register.

Particulars—

Name and address of manufacturer

Date of manufacture

Date of receipt at mine

Length of rope in feet

Diameter and circumference of rope in inches or in the case of flat ropes width and thickness of rope in inches.

Weight per foot in lbs.

Construction of rope—

Number of stands

Class of core

Character of 'lay', etc.

Construction of strands—

Number of wires in strand

Diameter of wires (decimals of an inch).

Class of core

Class of steel of which wire is made

Breaking stress of steel of which wire is made (tons of 2,000 lbs. per square inch).

Breaking stress of rope (tons of 2,000 lbs.).

(b) A rope Record Book shall be kept at every mine in which the following particulars of all ropes in use on winding gears, which have not been exempted from the provisions of regulation 70 shall be entered in ink, each entry being signed by the person responsible for the examination of the rope:—

Particulars—

Name of shaft at which rope is in use

Compartment in which rope is in use

Serial number of rope in Register

Whether rope is new or if not reference to previous record

Date on which rope is put on

Dates of shortening and number of feet removed

Date of recapping

Dates of turning end for end

Dates of tests after shortening (if any)

Breaking stress of wires at these tests

Dates when rope taken off

CHAPTER IX

RAISING AND LOWERING OF PERSONS

72. Inspection of winding plant before being put into commission.—No winding plant shall be used for raising and lowering persons unless permission in writing has been obtained from an Inspector. Before giving his permission, the Inspector shall satisfy himself that the provisions of the regulations have been duly and

reasonably complied with not only in regard to the winding plant proper but also in regard to the headgear, shaft, runners, cages or other conveyances, landing arrangements and signals; and that the condition of the same is satisfactory.

73. Winding Plant-Condition.—The winding engine shall be such that—

(a) When running at various speeds with light and heavy loads it can be readily slowed and stopped and after stopping can be immediately started again in either direction by the engine driver;

(b) it can lift from bottom to top of shaft or winze the maximum unbalanced load on one drum;

This provision shall not apply in cases where other means exist enabling persons employed below to reach the top of such shaft or winze.

(c) Each winding drum when unclutched from the engine can be maintained in a position of rest by means of its own brake or brakes with no more slipping than 1 ft. when the conveyance is loaded to double the maximum permitted weight of persons or mineral whichever is the greater.

In estimating the total weight of persons for the purposes of this regulation and of regulation 85 (6) (b) one hundred and twenty pounds shall be allotted for each person.

(d) There shall be on the drum of the winding engine such flanges or horns and also, if the drum is conical or spiral such other appliances as may be sufficient to prevent the rope from slipping off or coiling unevenly.

74. Depth Indicator.—Every winding engine shall, in addition to any marks on the rope, be provided with reliable depth indicators conveniently situated which will clearly and accurately show to the engine driver at his driving seat at all times—

(a) the position of the cage, skip or other means of conveyance; and
 (b) at what place in the shaft changes of gradient necessitate reduction in speed;

(c) in the case of shafts exceeding three hundred feet in depth the indicator shall ring a bell in the engine room when the ascending conveyance is 60 feet below the collar of the shaft.

75. Headgear clearance.—The headgear shall except in such cases as may be exempted in writing by the Chief Inspector from the requirements of this section be carried without obstruction to the cage or skip-way to such height as to allow a clearance of at least 25 feet in which the cage, skip or other means of conveyance can travel freely above the highest passenger stopping place in case of an overwind.

76. Overrun space below the lowest landing place.—The lowest passenger landing place in any shaft exceeding, 1,000 feet in depth other than a sinking shaft shall have at least 25 feet of un-obstructed overrun space below it in which the conveyance can freely travel:

Provided that the Chief Inspector may grant exemption in writing from this regulation under such conditions as he may prescribe.

77. Construction of cage.—Every cage or other conveyance used in a vertical or steeply inclined shaft shall be provided with a roof or top cover and with proper safety catches where practicable. Cage entrances shall be provided with doors designed to prevent any portion of the body of any person travelling therein from coming in contact with the sides of the shaft. The doors shall be constructed so that they cannot open outwards, and shall be provided with a latch or other fastening to prevent them opening of themselves.

78. Exemptions.—Regulations 72, 73 and 74 shall not apply to sinking or prospecting shafts not exceeding 200 feet in depth.

79. Number of persons to be carried.—The maximum number of persons allowed to travel in a cage or other conveyance shall be fixed by the Inspector of Mines and shall be kept posted up at each landing place.

80. Travelling outside conveyance.—Every person who travels in a cage or other conveyance shall ride in it and not outside or on the edge. This does not apply to a person who is slowly lowered or raised for the purpose of examining the shaft.

81. Winding speed.—At any shaft where the winding plant is not provided with a suitable device for preventing overwinding, the cage or other conveyance shall

not be hoisted at a speed exceeding 250 feet per minute when it is within 60 feet of the collar of the shaft.

82. Travelling in cage with heavy articles exceptions.—(1) No person shall travel in any cage, skip or bucket with any heavy articles especially drill rods or tools, unless such drill rods or tools are carried in suitable slings or containers. This regulation shall not apply—

- (i) to persons especially authorised to travel with and distribute such articles;
- (ii) to persons in charge of underground works;
- (iii) to sinkers in a sinking shaft; and
- (iv) to workmen employed in repairing a shaft.

(2) No person shall ride in a shaft on a cage, skip or bucket loaded with mineral or material;

Provided that in the case of cages having more than one deck, an Inspector may by order in writing permit persons to ride in the upper compartment when minerals or materials are hoisted.

83. Permission for conveyance of persons in certain cases.—In the case of cages or other conveyances which do not conform to the regulations regarding the winding of persons the Superintendent may obtain the special sanctions of the Inspector to permit mining officers and officials, certificated mestris and blasters and sinkers and workmen engaged in repairing the shaft to ride down therein provided all available precautions are taken.

84. Trial run after stoppage of winding.—After any stoppage of winding for repairs, or for any other purpose, exceeding two hours duration the cage or other conveyance must be run a complete trip up and down the working portion of the shaft before any person is allowed to ride therein.

85. Examination of winding plant.—Where winding of person in accordance with the foregoing regulations is permitted, the following provisions shall have effect, namely:—

(a) One, or more than one, competent person, specially deputed by the Superintendent for the purpose, and whose name or names must be registered by him in a record book termed the **Machinery Record Book**, shall carefully examine.

- (1) **Ropes, cages, etc.**—At least once in each day the winding ropes and the attachments thereof to the drums and to the cages, skips or other means of conveyance, the brakes and depth indicators, the cages, skips or other means of conveyances and any safety catches attached thereto and the pulley wheel and all and every external part of the winding arrangements upon the proper working of which the safety of persons depends;
- (2) **Guides, compartments, etc.**—At least once in each week, the guides and the winding compartments generally, the signalling arrangements and the external parts of the winding engine;
- (3) **Engine.**—At least once in each year, the winding engine as to the working condition of the internal parts;
- (4) At least once in each calendar month at intervals not exceeding 45 days, the structure of the winding rope with a view to ascertaining the amount of deterioration thereof. For the purpose of this examination, the rope must be thoroughly cleansed at places to be selected by an engineer who shall note any reduction in the circumference of the rope, the superficial condition of the wires as to where corrosion, fractures and brittleness and all other data necessary for ascertaining the amount, extent and distribution of the rope;
- (5) At least once in each calendar month at intervals not exceeding 45 days, an engineer or competent person, shall examine the connection between the rope and the cage, skip, or other means of conveyance.

A true report of the result of every examination abovementioned shall be recorded without delay in the **Machinery Record Book**, which must be kept at the mine specially for the purpose and shall be signed by the person who made the inspection. Should, as the result of such examination, any weakness or defect be discovered by which life or limb may be endangered, the defect shall immediately be reported to the Superintendent and remedied; and no person shall be lowered or raised until the defect is made good.

(8) **Rope test.**—When a new winding rope is not accompanied by a test certificate from the country of manufacture showing the amount of its breaking load and that such amount has been ascertained by actual test, such rope shall not be used unless a portion thereof not less than 10 feet in length has been cut off and tested. The test shall be at the expense of the owner.

(b) **Ratio of breaking load to maximum working load.**—Unless exemption has been obtained from the Chief Inspector in consideration of the great depth of the shaft or of the low winding speed, no winding rope shall be used for the raising and lowering of persons or material when the breaking load at any one point therein has become reduced to less than six times the maximum working load.

The maximum working load shall include the weight of the rope in the shaft when the cage, skip or other means of conveyance is at the lowest working point and the weight of such conveyance and its attachments with the authorised load of persons or material.

(c) **Defective rope not to be used.**—So soon as a rope becomes defective, it shall no longer be used for the transport of persons, unless the damaged part be at the end and be cut off.

(d) **Spliced rope, use of.**—A rope, out of which any defective portion has been cut and the ends again spliced, and ropes which have been previously in use in places beyond the Superintendent's control, shall not be used to raise or lower persons.

(e) **Spare ropes.**—At every mine, at least one spare rope, suitable for use in any shaft in which persons are raised and lowered, shall be kept in reserve.

(f) **Single-linked chain-use of subject to sanction.**—A single linked chain shall not be used for raising or lowering persons or for attaching the rope to the skip or cage, except with the sanction in writing of the Inspector.

(g) **Open hook not to be used for attaching rope to cage.**—No open hook shall be used for attaching the rope to skip, cage or bucket used for raising or lowering persons.

86. **Re-capping of rope.**—At least once in six months the winding rope shall be re-capped, a portion thereof not less than 6 feet in length being at the same time cut off the lower end.

87. At least once in six months or at a shorter interval if the Chief Inspector so decides, the Superintendent of the Mine shall have every winding rope tested for its breaking at a recognised mechanical laboratory and a copy of the certificate showing the result of such test shall be furnished to the Inspector.

88. **Annealing.**—At least once in six months the connection between the rope and the cage, skip or other means of conveyance shall be annealed or replaced.

89. **New Rope particulars.**—When a new winding rope is put on, the particulars thereof specified in regulations 71(a) and (b) and 85(a) and (b) shall be forwarded in writing to the Inspector.

CHAPTER X

SIGNALS

90. **Signals provision for.**—At all winding shafts exceeding one hundred feet in depth, arrangements must be provided for transmitting distinct and definite signals from the various levels in use and the shaft top, and between the shaft top, and the engine driver. Where persons are raised and lowered, arrangements shall also be made for return signals.

91. Every vertical shaft which is in the process of being sunk shall be provided with two separate means in respect of each engine whereby persons employed in such process can signal effectively from any depth in the shaft to the engine driver.

92. **When driver may start engine.**—The engine driver shall not set the engine in motion without having received a definite signal to do so. Neither the engine driver nor banksman nor signalman shall act on any signal of the correctness of which he has any doubt, unless he believes it may possibly be the signal to stop.

93. The signalman, the banksman or bellman shall not permit the cage, skip or bucket to be moved from any landing or filling place in the shaft unless he has received a signal from that place and, if persons are to be raised or lowered, has returned the same.

94. **Who may give signals.**—Only persons specially authorised by the Superintendent for the purpose are allowed to give signals.

95. **Code.**—The following signals must be uniformly adopted in all mines:—

“One”—meaning to stop.

“Two”—meaning to lower.

“Three”—meaning to raise.

Additional signals shall be sanctioned by the Superintendent and must not interfere with the above code.

96. **Notice of signals to be put up.**—Notices explaining the meaning of all permanent signals must be kept posted up in the engine room, at the shaft top and at all signal stations below ground.

97. **Duties of Banksman, etc.**—(1) Before giving any signal to raise or lower a cage or skip for the conveyance of persons, it shall be the duty of the banksman, signalman, bellman or lander, as the case may be, to ensure that the door or doors, gate or gates of such cage and the door or doors, gate or gates or barriers at the stations or landing platforms are properly shut or where possible the cover of such skip is properly fixed, as the case may be, and the passengers properly placed in the conveyance or all out of the conveyance and clear of it.

(2) The banksman, signalman, bellman or lander shall, save as provided in Regulation 82,

(a) not allow any person to travel in a cage or the same deck of a cage or skip or other means of conveyance which is simultaneously used for the winding of mineral or material;

(b) not allow any person to travel in a cage, skip or other means of conveyance with explosive other than those carried by a blaster or with any drills, tools or other heavy articles;

Provided that the Superintendent may, by an authorisation in writing, permit a person who distributes drills, tools, or other heavy articles to travel in a cage, skip or other conveyance with such drills, tools or other heavy articles.

(c) not allow any person to ascend or descend a shaft or winze on the top of a cage or on the side, bow or rim of any skip, bucket, kibble or any truck or other means of conveyance except as provided in Regulation 80;

(d) acquaint himself with the number of persons authorized by the Inspector to travel at any one time in any cage, compartment of a cage, skip, bucket or other means of conveyance and shall not allow a greater number of persons than is authorised by the Inspector;

(e) not allow any other person to give signals.

CHAPTER XI

TRAVELLING AND LADDER WAYS

98. **Construction of ladders.**—(a) Every ladder used shall be of strong construction, shall be securely placed in any shaft, winze, rise or stope and shall be maintained in good repair.

(b) The spacing of rungs shall be standard.

(c) In order to give a proper foothold the rungs shall be at a safe distance from the wall of a shaft, winze, rise or any timber underneath the ladder.

(d) Every permanent ladder shall project at least three feet above its platform, except where strong hand rails are provided.

99. **Provision of solars.**—In shafts having an inclination of more than 65° with the horizontal, platforms or solars must be provided at intervals not exceeding 35 feet in addition to the protections at the level or plat. The manhole in any solar shall be placed behind the ladder leading up from such solar whenever the inclination of the shaft exceeds 70° with the horizontal.

Sinking shafts should be provided with ladderways from the bottom of the shaft to the nearest landing stations.

100. **Height of main drive.**—Every main drive shall be maintained at a height of at least 6 feet unless exempted by the Inspector.

101. Refuge places provision of, on haulage road.—Every haulage road on which the haulage is worked by mechanical power shall be provided with—

- (1) at least 3 feet clear walking space between the track one side of the level; or
- (2) refuge places at intervals of not more than 100 feet.

102. Sollars in shaft ladderways.—(1) In shafts having an inclination exceeding 45° but not exceeding 65° with the horizontal, the sollars shall be placed at intervals of not more than 55 feet measured along the underlie of the shaft.

(2) In a shaft or winze in the course of sinking having an inclination of 35° or more from the horizontal a ladderway shall be provided to within such a distance from the bottom of such shaft or winze as to secure it from damage during blasting, and below this point a chain or rope ladder shall be provided to the bottom of the shaft or winze.

103. Inclination of ladders.—No ladder shall have a steeper inclination than 80° with the horizontal except under special circumstances and with the consent in writing of the Inspector. This consent shall not be necessary for the lowest 30 feet of a sinking shaft.

104. Construction.—Ladders must be securely fixed to the timbering of the shaft and maintained in proper repair. Except at sollars or resting places, ladders must be made continuous or without perceptible overlapping or break.

105. Ladders must project at least three feet above the shaft top and above every sollar or landing place in shafts and other travelling ways, or strong hold-fasts must be provided at all such places in convenient positions.

106. Travelling on foot in shafts, exceptions.—Travelling on foot in any shafts or shaft compartments except those specially provided and equipped for this purpose, is strictly prohibited except for purposes of inspection or repair.

107. Railing off ladderways.—In all shafts the ladderway shall be fenced off sufficiently to prevent any person from inadvertently entering the winding compartment.

108. Carrying tools, etc., on ladderways.—Carrying tools or other loose materials up or down a ladderway having an inclination steeper than 45° is prohibited except when absolutely necessary. When tools are carried in a ladderway they must be secured in a sling to the person carrying them.

CHAPTER XII

VENTILATION LIGHTING ETC.

109. Provision of ventilation.—Sufficient ventilation must be provided to render all working places and travelling roads in a mine under ordinary circumstances fit for working in and as far as possible free from fumes, smoke, dust or noxious gases.

110. Collar of shaft to be kept clear.—The vicinity of the collars of downcast shafts shall as far as practicable, be kept clear of cinder heaps, sand, mortar, cement, etc., and no dust shall be created by carelessly handling the above or other material.

111. When a working place considered unfit, for working.—A working place shall not be deemed to be fit for working in if a candle will not burn erect when shielded from a draught.

112. Mechanical aid.—In all portions of a mine or workings where the natural ventilating current is insufficient suitable mechanical appliances for ventilation shall be provided and operated.

113. Self-closing doors.—All doors which are required to be kept shut for purposes of ventilation shall be made self-closing or be operated by an attendant.

114. Wet drilling.—All holes drilled in dry ground must, as far as practicable, be kept moist to prevent the atmosphere being charged with dust.

115. Prohibition of entrance into disused workings.—Unauthorised entrance into abandoned or disused workings is prohibited and should as far as possible be prevented by boarding or otherwise. Underground works (especially shafts, sumps,

winzes and rises) which have been unused for sometime shall before work is started be examined with a light and if the air is foul no work shall be permitted there until the foulness has been removed.

116. Stationary lights where.—Stationary lights shall be provided at all stations and other places in shafts which are in regular use; also in all places where pumps or other machinery or appliances are in motion, unless the same are fenced off so as to render it impossible for any one to come in contact with them inadvertently; and at night at all working places on surface.

117. Lights to be carried.—Every person in any unilluminated part of a mine, shall carry a light.

118. Fire prevention.—In a mine no person shall place or throw or cause or permit to be placed or thrown any naked light such as candle, unenclosed lamp or lighting torch (cheesa stick or a 'kai-piece') on or near any timber, wooden structure or other combustible material where such naked light may cause danger from fire.

In case of blasting with explosives any timber in chutes, in blackrock boxes, stulls, sets, etc., sufficient water shall be applied to the timber before and after blasting so that no fire thereby may be caused.

CHAPTER XIII

EXPLOSIVES

119. Storage of explosives.—No explosives shall be stored in or about a mine except in accordance with the provisions of rules made under the Indian Explosives Act, 1884.

120. Explosives must be in their ordinary manufactured form and of good quality and as far as can be practically known in good condition when distributed for use. Only one kind of detonator shall, except with the permission of the Inspector be used in the same mine. It shall be of sufficient power for every kind of explosive used.

121. No fuse or explosives are allowed to be taken into the mine other than the brands specially authorised by the Superintendent.

122. Explosives shall not be taken into or kept in a dwelling house; but only in a properly constructed magazine.

123. Underground magazine.—Explosives shall not be stored underground in a mine except with the approval in writing of the Chief Inspector and in a magazine or magazines duly licenced in accordance with the provisions of rules made under the Indian Explosives Act, 1884, and in accordance with any provisions additional thereto as may be prescribed by the Chief Inspector of Explosives.

124. Every magazine shall be in charge of a competent person acquainted with the nature of explosives whose name shall be entered in a book called "Explosives Storage Book" and who shall be responsible for the proper receipt, storing and distribution of the explosives and shall keep a record of all receipts and deliveries in the said book, which shall be kept in the magazine.

125. Distribution of explosives.—All explosive material must be distributed whether above or below ground only by the person or persons appointed for that purpose by the Superintendent.

126. To whom issued.—Explosives shall be issued in such a manner as to ensure a good turn over and only to competent persons appointed by an officer of the mine and no unauthorised person shall have explosives in his possession. The names of such competent persons shall be registered in a book to be kept for the purpose.

127. Record of issue and return.—The person incharge of a magazine shall keep a correct record of the number of cartridges of explosives and of detonators issued from the magazine to each authorised person and a similar record of explosives returned to the magazine.

128. Explosive carriers.—Explosive carriers shall give requisitions signed by an officer of the mine giving the number of detonators, length of fuse and the quantity of other explosives required and the working place where they are to be used. Such requisitions shall be preserved by the person in charge of a magazine.

129. Explosives issued from the magazine shall be taken directly to the working place and any unused explosives must be returned to the magazine without any delay. Any one finding any explosive must take it at once to the nearest magazine.

130. **Carrying in suitable cases and the permissible quantity.**—Explosives including fuse when issued from the magazine shall be carried at all times in secure locked cases or canisters and no case or canister shall contain more than twenty pounds of explosives, and no single blaster shall be issued with more than thirty pounds.

131. **Quantity restricted to a working place.**—No working place shall be supplied with a greater quantity of explosive material than will probably suffice for the requirements of the shift.

132. **Detonators to be carried separately.**—(1) Detonators must not be carried in the same case or canister with other explosives, but shall be carried in only special cases provided for the purpose.

(2) **Storage for emergency purposes.**—A small quantity of explosives, not exceeding the quantity permitted under Regulation 130 may be kept in special receptacles, securely made of non-inflammable material, which shall be kept locked. In such receptacles detonators shall be kept separate from other explosives by a strong partition. Every such receptacle shall be located in a safe position.

(3) **Person to take charge of unused cartridges.**—When all the holes drilled are not fired at the same time, the explosives for the uncharged holes may be kept in the meantime at a safe distance. They must be placed, in charge of some person responsible for them, where there is no risk of their being exploded or ignited.

133. **Transport of explosives in shifts, etc.**—Explosives shall not be sent down in a bucket, skip or cage, unless there is a distinguishing mark attached to the bucket, skip or cage or they are accompanied by some one who is responsible for them. If taken down by a ladder, each case or canister must be securely fastened to the person carrying it.

134. Before any mine is abandoned or the workings thereof has been discontinued, the owner, agent or Superintendent shall see that all un-used explosives are either disposed of or removed to the surface from every underground magazine.

135. **Protection against fire.**—Adequate means of extinguishing fire and ready for immediate use shall be provided close to the entrance of every underground magazine.

136. **No naked light shall be taken into an underground magazine.**

137. No person shall smoke in a magazine nor shall he carry anything which might cause ignition.

138. No scrap or broken portions of cartridges shall be placed in or left lying on the floor of the magazine.

139. No person shall either sell, purchase or otherwise attempt to take away any explosive from a mine without the written permission of the Superintendent.

140. **Possession.**—No person shall secrete or be in possession of explosives in or about a mine except as provided for in these regulations.

141. **Tools for opening.**—No person shall use anything except implements of wood, brass or copper in opening cases containing explosives except where cases are screwed down when an iron screw driver may be used to withdraw the screws but for no other purpose.

142. **Transport in shaft notice.**—Immediately before any person conveys explosives in a shaft by means of machinery he shall give notice to the engine driver, banksman or signalman.

143. **Lowering.**—The engine driver shall gently lower or raise the cage or other conveyance containing explosives.

CHAPTER XIV

BLASTING

144. **Who may blast.**—All blasting operations shall be conducted by a blaster holding a blaster's certificate. In cases of emergency, a person who does not hold

a blaster's certificate may be authorised to conduct blasting operations by the Superintendent or an underground Agent who shall be responsible that such person is competent.

145. Preparation of Charges.—The blaster himself shall prepare the fuse, detonator and primer for use and shall charge every hole but he may be assisted otherwise in the preparation of charges and in firing the shots by one or more competent assistants.

146. Precautions during preparation of charge.—During the preparation of charges and the charging of holes, all lights must be kept at a safe distance and smoking shall be strictly prohibited while explosives are being handled.

147. Fuse capping.—Every blaster must carry a knife in order to be able to cut a burning fuse, if necessary, and also a pair of pliers for crimping the detonator on to the fuse except when detonators are crimped to the fuse on surface.

148. Primer cartridge.—The fuse with its attached detonator shall after being inserted in the primer cartridge, be securely fastened thereto by string or other suitable material so that it cannot be easily withdrawn from the cartridge. The fuse and detonator shall not be inserted in the primer until it is required for immediate use.

149. Tools.—In charging or stemming holes the use of any iron or steel tool, scraper or rod is prohibited and no explosive shall be forcibly pressed into a hole of insufficient size.

150. Tamping.—A wad of paper or some other suitable material about one inch thick, approved by the Inspector shall be inserted between the charge and the tamping which shall be at least six inches deep. Only sand loosely filled in or soft clay lightly pressed home or water shall be used as tamping for any explosive requiring the use of a detonator.

151. Number of holes to be fired in a round.—Not more than eight holes unless the fuses are ignited by more than one person in which case the number may be increased to 12 holes shall be fired in one round in any drive, stope or shaft or unless the charges are fired electrically or unless the special permission of the Inspector has been obtained. No holes shall be charged except those which are to be fired in that round and all those which have been charged shall be fired in one round.

152. Lighting fuses.—Blasting gelatine or other high explosives shall not be lighted in order to set fire to fuses, but specially prepared "Kai-pieces" of such explosives may be used for this purpose.

153. Warning before firing.—Before any shots are fired, due warning shall be given in every direction by shouting the fire signal and all approaches to the place where the shots are being fired shall be guarded. The blaster shall be responsible that no person is allowed to remain in or to come into dangerous proximity to the shots.

154. Precautions to be observed in the case of working places approaching each other.—Whenever any working place approaches another so closely that any further blasting will reduce the intervening rock to a thickness of six feet or less, such further blasting must be conducted from one working place only at any one time. The Underground Agent in charge shall be responsible that the working parties are duly warned of the near approach of the two places and the blaster in charge of the operations in the one place shall take steps to ensure that no person remains in the other place while shots are being fired.

155. Counting of shots.—The number of shots which explode must be counted by at least two persons one of whom shall be the blaster. Unless both are certain that all the charges have exploded, the working place must not be re-entered for at least 30 minutes after the first explosion.

156. No re-entry until fumes are cleared.—If all the charges have exploded properly or if they have been fired electrically the working place may be re-entered as soon as it is sufficiently clear of fumes; provided that in the case of electric firing the source of electricity shall have first been disconnected.

157. Who should enter first.—After blasting has taken place, the blaster or person in charge of the working place shall be first to re-enter the place and until

he has pronounced it to be safe and sufficiently free from fumes, he shall not permit any other person to enter except for the purpose of making it safe.

158. Search for unexploded explosives after blast.—In clearing the stuff broken by the blast, loose unexploded cartridges, detonators, etc., must be carefully looked for and, if found, removed at once by the blaster or mestri in charge to a safe place.

159. Plugging of sockets.—Before drilling is commenced, all loose rock must be removed from the working faces and if any sockets or portions of holes which have not broken are found they shall be securely plugged by the person in charge of the working place with wooden plugs of which a supply shall be provided.

160. Examination of misfired holes.—In the event of misfire being detected the Blaster shall be the first to enter the working place, failing which he shall place a barricade at the entrance or entrances to the said working place and warn either verbally or in writing an Underground Agent, Foreman, Assistant Foreman, Head Mestri or Blaster, in charge of the next shift, who will then be considered to be in charge of the working place.

161. Misfire to be reblasted.—As soon as the misfire has been found the Blaster shall refire it without delay, for which purpose he shall insert a fresh primer with detonator and fuse in the hole. If necessary, the tamping may be gently removed with a wooden or copper scraper, or other suitable appliance approved by the Inspector but not the wad of paper or other material referred to in regulation 150.

162. Reporting of misfire.—If a misfire cannot be found or reblasted during the shift, the Blaster shall have the entrance or entrances to the working place barricaded and before leaving the mine shall inform the underground Agent, Foreman, Assistant Foreman, Head Mestri or Blaster in charge of the next shift who shall then be considered to be in charge of the working place. The Blaster shall before leaving the mine, cause a report of every misfire to be entered in a book kept for the purpose at the shaft top or at some other suitable place. It shall be the responsibility of the Underground Agent, Foreman, Assistant Foreman, Head Mestri or Blaster, who has been informed of the misfire or suspected misfire either verbally or in writing to sign this book and later to report in it the action taken.

163. Drilling not to be permitted until misfire reblasted, etc.—The Blaster in charge of the next shift shall have the place cleaned up and made secure, but no drilling shall be permitted until the misfire has been located and reblasted, provided that the Blaster, after a thorough examination of the place may permit drilling when he is satisfied that no misfire had occurred.

164. Deepening old holes.—(a) No person shall deepen or cause or permit to be deepened a hole in which explosives had once been charged. No person shall withdraw the charge from a hole either before or after blasting.

(b) No person shall extract or attempt to extract explosives from a hole which had been charged.

The mestri in charge of the working place shall be held responsible for the due observance of the provisions of this regulation.

165. Drilling in the vicinity of sockets precautions.—The person in charge of the working place shall point out the position and direction of every new hole to be drilled, and shall be responsible that the drillers do not deviate therefrom. The greatest care shall be taken that no new hole shall be bored in such a direction that it can come in dangerous proximity to any old hole or socket in which explosives have previously been charged.

166. Who may handle explosives.—Only persons authorised by the Superintendent or holding a blaster's certificate shall open or interfere in any manner with a box containing explosives.

167. Blaster's responsibilities.—The holder of a blaster's certificate shall not permit any person working under him to retain any explosive in his possession or to remove it from the mine to the surface and shall be responsible that all reasonable precautions are taken.

168. Precautions in using electrical firing cables.—(a) When electrical firing cables or wires are used in the vicinity of power or lighting cables or wires,

sufficient precautions shall be taken to prevent the firing cables or wires from coming in contact with the lighting or power cables or wires.

(b) The firing cables or wires shall not be connected to the firing device until immediately before they are required for the firing of charges, and shall be disconnected therefrom immediately after the charges are fired.

(c) The firing cables or wires used for firing charges in one working place shall not be used for firing charges in another working place until all proper precautions have been taken to ensure that the firing cables or wires have not any electrical connection with the leads from the first working place.

(d) A blaster shall not enter or allow any other person to enter any place where charges have been fired until he has disconnected the firing cables from the blasting battery, or has pulled out and locked the switches of the blasting circuit.

CHAPTER XV

MACHINERY

169. Air receivers, etc.—charge of.—All compressed air-receivers and driving-gear must be in the personal charge of competent men appointed by the Chief Engineer. Every air-receiver shall have attached to it a proper safety-valve and an air-gauge and shall be inspected by an Assistant Engineer once a week at least.

170. Hydraulic testing—record of test.—(a) Before an air-receiver is cased in or put in commission it shall be subjected to hydraulic test by the Chief Engineer or a competent person appointed by him. The test shall be repeated after any important renewals or repairs and also at least once in three years. A record of every such test shall be entered in books kept for the purpose.

(b) In the test, the hydraulic pressure shall be at least $1\frac{1}{2}$ times the maximum working pressure permitted.

(c) The working pressure shall be measured as the pressure in excess of that due to the atmosphere.

171. Safety valves.—The weight of every safety-valve shall be fixed on the lever so that it cannot be inadvertently shifted so as to increase the pressure.

172. Fencing of machinery, etc.—(1) All exposed parts of machinery which are dangerous when in motion must be railed or partitioned off in such a manner that no accident can occur except through carelessness.

(2) Dangerous places, such as elevated platforms, pits, trapholes, etc., shall be fenced off so as effectively to safeguard those persons authorised to work there or be in the vicinity.

173. Person in charge of machinery.—(1) Every person in charge of any engine or other appliance, apparatus or machine shall see that it is in proper condition before commencing work and if there is any defect shall remedy the same or report it to a Chief or Assistant Engineer; he must see that no extra weight is added to the safety valves of an air-receiver and that the allowed pressure of air is not exceeded.

(2) During his shift an engine driver shall not allow any other person to handle the engine except in an emergency or with the sanction of the Chief or Assistant Engineer. He shall not leave his post except when absolutely necessary or relieved by a duly appointed substitute.

174. Repairing and oiling machinery in motion prohibited.—The repairing, adjusting, cleaning or lubricating of machinery in motion shall not be permitted when there is a risk of personal injury.

175. Shifting of driving belts.—Shifting of driving belts while the machinery is in motion is prohibited unless a satisfactory mechanical appliance is provided for the purpose. This shall not apply to the customary shifting of light belts on the coned pulleys of machine tools.

CHAPTER XVI

ACCIDENTS, ETC.

176. Report of Accidents, etc.—(1) When any accident occurs in or about a mine causing loss of life or serious bodily injury, or when an accidental explosion, ignition, spontaneous heating, outbreak of fire, irruption of water, unexpected or

premature collapse of workings, breakage of ropes, chains, or other gear by which men are lowered or raised or accidental overwinding of cages while men are being lowered or raised occurs in or about a mine, the owner, agent or superintendent of the mine shall forthwith inform the nearest Inspector by telephone or telegraph or by special messenger and shall also, within twenty-four hours of the occurrence of such accident, explosion, ignition, outbreak, irruption, collapse of workings, breakage or overwinding send notice thereof in the Form given in the Schedule to the Chief Inspector and to the District Magistrate or to the Sub-Divisional Magistrate. One copy of the notice shall be posted simultaneously on a special notice Board at a conspicuous place in the office at the mine where it may be inspected by Trade Union officials. The notice shall be kept on the Board for not less than two months from the date of such posting.

(2) When an accident occurs due to electricity the Electric Inspector of Mines shall also be informed forthwith in the aforesaid manner.

177. When death results from serious injury.—If death results from any injury already reported as serious under regulation 176, the owner, agent or superintendent shall forthwith inform the inspector by telephone, telegraph or special messenger and shall within twenty-four hours of his being informed of the death, send notice thereof to the Chief Inspector and the District Magistrate or the Sub-Divisional Magistrate.

178. Place of accident to be left untouched.—The place where an accident involving the death of, or serious injury to, any person has occurred shall be left untouched after removal of the injured person or persons until it has been examined by an Inspector or until the expiry of forty-eight hours, unless the stoppage of work at that place would seriously impede the work of the rest of the mine, or unless the consent of the Inspector to the resumption of work has been obtained.

179. Reporting of non-casualty accidents.—Whether personal injury is caused or not, every accident occurring under the following classification shall be reported without delay to the Inspector:—

- (1) Engine running out of control.
- (2) Fracture of any essential part of winding engine, crank shaft, couplings, bearings, gearing, clutch, drums or drum shaft.
- (3) Fracture of winding rope or of its attachment to skip, cage or drum.
- (4) Fracture of pit-head sheave or axle or bearings of same.
- (5) Failure of emergency brake.
- (6) Failure of safety catch to act when required.
- (7) Failure of device for prevention of overwinding or of detaching hook to act when required.
- (8) Overwinding of cage or skip.
- (9) Bursting of anything containing steam, compressed air or other substance at high pressure.
- (10) Jamming of skip or cage in shaft.
- (11) Derailment of skip or cage by which the winding rope is likely to have been overstrained.
- (12) Skip or cage leaving guides in vertical shafts.
- (13) Failure of depth indicator.
- (14) Extensive caving or subsidence in the ground workings.
- (15) Accidental ignition of explosives.
- (16) Flooding of any considerable portion of the workings or failure of any dam or reservoir used for conserving water or slimes.
- (17) Any fire or any indication or rerudescence of fire or of spontaneous combustion in the mine or of explosion of gas or dust.
- (18) Fracture or failure of any essential part of any machines whereby the safety of person may be endangered.

180. Report of personal injury.—Every workman receiving any personal injury in any mining operations shall before leaving the mine report the same to one of the mining officers or the banksman at the top of the shaft or to his immediate superior; and any person to whom such report is made shall as soon as possible communicate the same to the Superintendent or Head of the Department.

CHAPTER XVII

MINE PLANS

181. General plan of Mining Rights.—A general plan, made by a competent surveyor of the land which is in the possession of the owner for mining purposes or over which he holds any mining rights to a distance of 600 feet from any point where mining operations are or have been carried on but not beyond the limits of such land must be kept at the mine and be made up at least every six months.

182. Surface Plan.—The general plan must show the Government survey marks (if any), the boundaries of the land, the outcrops as well as the actual strike and dip of the reefs or other mineral deposits so far as known, all open surface workings, shaft openings, bore-holes, water-furrows, reservoirs, tailings-sites, public roads and railways and the principal buildings and sites of mining and metallurgical plant. It must also show the geographical meridian.

183. Underground Plans and Sections.—Besides the general plan referred to above, the Superintendent must keep in the office of the mine an underground working plan and section or sections showing clearly all the workings surveyed upto within four months from date.

184. Sections of workings.—The underground plans and sections must in particular show clearly all shafts, bore-holes, drives, crosscuts, winzes, rises, excavations (stopped ground) and any tunnels and passages connected therewith and the position of all permanent winding gear, pumps, ventilating fans, brattices and doors for regulating ventilation and all underground bench marks and stations of the underground survey and in addition thereto the vertical depth of bore-holes, the depth at which the mineral deposits have been intersected, the general strike of the reefs or mineral deposits with their dips at different points and the dislocations of the strata and other geological features.

185. Scale of plans.—All underground plans must be on the scale of 30 or 60 feet to one inch.

186. Bench marks.—All bench marks or stations of the underground surveys must be properly marked with holes and plugs and care must be taken to preserve them in view of subsequent surveys.

187. Plotting of surveys.—The plottings of every survey must be made from a line or lines representing on the plan the true geographical meridian.

188. Plans and Sections to be sent to Chief Inspector before abandonment of mine.—In case of a mine or any considerable part of it being intentionally abandoned, the general and underground plans and underground sections must first be completed up-to-date and the same or exact copies thereof must be sent to the Chief Inspector within two months of such abandonment.

189. Survey of underground workings.—All underground workings must, when it is possible, first be surveyed before being allowed to become inaccessible.

190. Withholding plans or concealing workings an offence.—Any owner, Agent or Superintendent or other person engaged in mining operations who wilfully withhold any portion of a mine plan or conceals any part of the workings or knowingly allows the mine plans to be incorrect, shall be guilty of a breach of these regulations.

191. Copies of plans to be deposited with Chief Inspector.—A true copy on mounted paper or tracing cloth of the general plan and of every underground plan or section referred to in regulations 181 and 183 shall be deposited with the Inspector and the said copies shall be brought up-to-date *every six months* by the Superintendent.

For this purpose the said copies may be obtained by the Superintendent from the Inspector any time subsequent to the 30th June and 31st December and shall be returned to the Inspector in the following month.

CHAPTER XVIII

GOVERNMENT RETURNS AND NOTICES

192. Monthly returns.—The Superintendent of a mine shall furnish monthly to the Inspector a statement showing the quantities of ore obtained and treated and the quantity of metal or other finished products obtained and other returns and statistics in such form and at such time as may be asked for.

193. Annual Returns.—The owner or Superintendent of a mine or works shall furnish annually returns to the Chief Inspector in such form as may be asked for respecting such data as may be reasonably required.

194. Notice of commencement or discontinuance of mining.—Where any working is commenced for the purpose of opening a mine or where the working of a mine is temporarily or permanently discontinued or abandoned or where the working of a mine is recommenced after any such discontinuance or abandonment, the owner or his Agent or Superintendent shall immediately give written notice thereof to the Chief Inspector.

195. Particulars of owner, etc. to be supplied to Chief Inspector.—The owner or his Agent or Superintendent shall, without delay, furnish the Chief Inspector with the following information:

- (1) Name of mine,
- (2) Name and address of Proprietor,
- (3) Name and address of Agent or Superintendent and shall likewise give notice of any change in their names or addresses within three days of such change.

196. Responsibility of owner on abandonment for surface protection, etc.—In case of the abandonment of a mine, the owner at the time of such abandonment shall continue to be responsible for the carrying out of the provisions regarding the protection of the surface under Chapter II, the furnishing of plans under Chapter XVII and the sending in of returns under Chapter XVIII until such regulations have been complied with.

197. Underground workings approaching railway.—Notice shall be given to the Chief Inspector, if any working approaches to within 500 feet of a railway in any direction.

198. Inspector to take samples.—An Inspector is entitled to take or cause to be taken such samples of ore, quartz or other minerals from any reefs, beds or deposits or from any intermediate or final products extracted, obtained or produced in the course of any mining operations, as he in the execution of his duty may think fit but if they be of more than two pounds weight, or contain more than five grains of gold, or be taken more than once in three months, the Government shall pay for the same at a fair valuation.

CHAPTER XIX

MISCELLANEOUS

199. Interference with or obstruction of persons in the discharge of their duties under the Rules be reported to a Mining Officer.—No person shall offer or render any service or use any threat to any other person with a view to preventing him from complying with these regulations or from performing his duties faithfully. If any person who receives any such offer or threat, fails to inform at once an officer of the mine, he shall be guilty of a breach of these regulations.

200. Periodical examination of working places, etc.—(1) The Superintendent or other Mining Officer acting under his instructions, shall at least once in three days while the men are at work, visit and examine every working place in the mine and all machinery and other mining operations of every description below ground or on the surface, and shall see that safety in every respect is ensured.

(2) He shall as soon as practicable report the occurrence of the breach of any provision of these regulations to the Inspector or take such other disciplinary steps as the Inspector may have directed or approved of. Particulars of every such breach and the disciplinary steps taken shall be entered in a register which shall be open for inspection at all reasonable times to an Inspector.

201. No admittance to a mine without previous consent.—Except under the provisions of these regulations, no person shall enter a mine who has not previously obtained the consent of the Superintendent or his representative.

202. Sleeping underground prohibited.—No person shall sleep or be permitted to sleep underground.

203. Unauthorised entry into shaft, etc., prohibited.—(1) No unauthorised person shall enter any shaft, building, shed or enclosure in which machinery or receivers are erected or mining operations are carried on, and notices to this effect shall be posted at all entrances to such places.

(2) No unauthorised person shall interfere with any machinery or apparatus provided for or used in the working of the mine.

204. Workmen prohibited from wandering about.—No workman shall, except in cases of emergency, go to any part of the mine except where it is necessary for him to go in the course of or when coming to or from his work.

205. Instruction of workmen in regulations.—Where any workman is unable to read the regulations, the person in charge shall see that such workman is made acquainted with the regulations concerning him or appropriate to his particular occupation and duties.

206. Attestation of reports.—In all cases where any person is required by these regulations to make any report he shall sign his name to it. If he is unable to write, he shall be present when his report is written and shall have it read over to him and shall attach his mark to such report in token of this having been done. The name of the person writing the report shall also be entered at the end of the report together with a statement of its having been read over to the person on whose behalf it is written.

207. Observance of Regulations pertaining to posts.—Where the duties of more than one post are entrusted to the same person that person shall be bound by and observe the regulations attached to each such post.

208. Deputing of work.—No person shall depute any one to do his work without the sanction of his immediate superior.

209. Removal of Protective barriers, etc.—No person shall wilfully damage or without proper authority remove or render useless any fence, manhole, place of refuge, casing, guide, signal or means of signalling, brake, indicator or other appliance or thing which has been provided for the purpose of carrying out these regulations or for the safety of workmen or otherwise for the purpose of properly carrying on mining operations and no person shall alter, remove or in any way render useless any arrangement in the mine provided for the above purposes without the consent of the Superintendent.

210. Causing destruction, theft, etc., offence.—Any person employed in or about the mine who shall by any act or omission wilfully or negligently do anything likely to endanger life or shall wilfully or in a careless or thoughtless manner expose himself to danger shall be deemed to be guilty of a breach of these regulations.

211. Safety regulations, etc., to be complied with.—No person shall refuse or neglect to obey any orders issued with a view to the safety or the convenience or proper discipline of the mine not being inconsistent with these regulations by any person under whose orders he is placed nor shall interfere with, impede or obstruct any person in the discharge of his duties or interfere with or obstruct the working of the mine.

212. Workmen to strictly adhere to regulations.—All workmen shall strictly adhere to these regulations and to any directions issued by the Superintendent with a view to their safety or convenience or the proper discipline of the mine not being inconsistent with these regulations contained in the notices posted in or about the mine for the guidance of the workmen.

213. Report of infringement of regulations.—Any person who may observe or be aware of any neglect or infringement of these regulations shall report the case to his immediate superior or to the Superintendent or an Underground Agent or other Mining Officer or (if the person reporting the same is a workman) to an Underground Foreman or Assistant Foreman so that immediate means may be taken to rectify it and to prosecute the offender.

214. Abetment of breaches of regulations or failure to report them an offence.—Any one who shall knowingly permit any person over whom he exercises authority to commit or shall otherwise abet a breach of these regulations or shall observe or be aware of a breach thereof without reporting the same as aforesaid shall himself be deemed to commit a breach thereof.

215. Persons guilty of wilful or negligent commission or omissions deemed to commit breach of regulations.—Every person employed in mining operations (other than the owner, Agent or Superintendent) who is wilfully or negligently guilty of any act or omission which in the case of an owner, Agent or Superintendent would be a breach of these regulations, shall be deemed to commit a breach of these regulations.

216. Suspension or discharge of workmen for breach of regulations.—All workmen who neglect to observe any of the provisions of these regulations may be suspended, and ordered out of the mine by the Superintendent or other Mining Officer.

217. Competent persons only to be employed.—No person shall be selected or allowed to perform or shall perform any duty in connection with any mining operations unless he is fully competent and qualified to carry out the work allotted to him.

218. Safety and discipline of workmen.—The owner, Agent or Superintendent shall provide for the safety and proper discipline of the men employed above and below ground and appoint such persons as may be necessary for carrying out the provisions of these regulations.

219. Power to postpone operation of regulations.—If there is anything in the construction of any mine which at the time of the issue of these regulations is not in accordance with these provisions, the Chief Inspector shall have power to suspend the operation of these regulations in such cases for such period as he shall think fit.

SCHEDULE

(See Regulation 176)

NOTICE OF ACCIDENT

FROM

To

THE CHIEF INSPECTOR OF MINES DHANBAD P. O., MANBHUM DISTRICT

Through the _____ District _____ Magistrate of
Sub-Division

Dated

SIR

I have to furnish the following particulars of

- a fatal accident
- a serious accident
- an accidental explosion or ignition
- an outbreak of fire
- an irruption of water
- a premature collapse of workings
- breakages of ropes chains or other gear by which men are lowered or raised
- an overwinding of cages while men are being lowered or raised

which has occurred at the

Mine.

1. Situation of the mine (Village, Station, District, Province).	
2. Mineral worked.	
3. Name and postal address of owner.	

4. Name and sex of persons.		Age.	Occupation.
Killed	Injured		
5. Date and hour of the occurrence			
6. Place of occurrence.			
7. Cause and description.			
8. Classification of accident [see (5) below].			
9. Nature of injury and, if fatal, cause of death.			

Yours faithfully,

Owner/Agent/Superintendent.

NOTES AND INSTRUCTIONS

(1) *How to submit the Notice.*—When any accident occurs in or about a mine, causing loss of life or serious bodily injury, or when an accidental explosion, ignition, outbreak of fire or irruption of water occurs in or about a mine, the owner, agent or Superintendent of the mine shall forthwith inform the Inspector of the Circle in which the mine is situated by telephone or telegraph and shall also give notice of the occurrence of such accident, explosion, ignition, outbreak or irruption by despatching this form, duly filled in within 24 hours of the occurrence, through the Magistrate of the District to the Chief Inspector of Mines.

(2) Under Section 33 of the Indian Electricity Act notices of accidents resulting or likely to have resulted in loss of life or personal injury are required to be submitted.

(3) *Explanation of serious injury.*—Means any injury which involves, or in all probability will involve, the permanent loss of the use of, or permanent injury to, any limb or the permanent loss or injury to the sight or hearing, or the fracture of any limb or the enforced absence of the injured person from work for a period exceeding twenty days.

(4) *Notice of subsequent death of injured person.*—When any person dies from the result of an injury already reported as serious, the owner, agent or Superintendent of the mine shall send notice within 24 hours of his being informed of the death to the Chief Inspector of Mines through the District Magistrate.

(5) The following terms are to be used at 8 (above) "Classification of accident":—

1. Explosion, ignition and outbreak of fire.
2. Falls of roof.
3. Falls of side.
4. Premature collapse of workings.
5. In shaft (overwinding).
6. In shafts (ropes and chains breaking).
7. In shafts (Whilst ascending or descending by machinery).
8. In shafts (falling down shaft).
9. In shafts (things falling down shaft).

10. In shafts (miscellaneous).
11. Suffocation by gases.
12. By explosives.
13. Irruptions of water.
14. Haulage.
15. By underground machinery.
16. Sundries underground.
17. By surface machinery.
18. Boilers or pipes bursting.
19. On surface railways and tramways belonging to the mine.
20. By electricity.
21. Miscellaneous on surface.
22. Miscellaneous belowground (Rock bursts).

[No. M-41(25) 52.]

New Delhi, the 18th September 1953

S.R.O. 1789.—In pursuance of sub-section 3 of section 5 of the Mines Act, 1952 (XXXV of 1952), the Central Government hereby directs that, in exercising the powers and performing the duties of an Inspector, the District Magistrate shall not, without prior reference to the Chief Inspector, take direct action or issue any order in respect of any matter solely connected with the technical direction, management or supervision of any mine, even though such direction, management or supervision may appear to him to be dangerous or defective.

[No. M-41(37) 52.]

P. N. SHARMA, Under Secy.

New Delhi, the 17th September 1953

S.R.O. 1790.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between Messrs. Mathuradas Kanji and two others and their workmen.

BEFORE MR. S. H. NAIK, INDUSTRIAL TRIBUNAL, BOMBAY.

REFERENCE (IT-CG) NO. 6 OF 1952

ADJUDICATION

BETWEEN

- (1) Messrs. Mathuradas Kanji, 9, Wallace Street, Fort, Bombay 1;
- (2) Messrs. Bachharaj Trading Corporation Ltd., 51 Mahatma Gandhi Road, Fort, Bombay 1; and
- (3) Messrs. R. G. Govan & Co. Ltd., 15-1, Elphinstone Circle, Fort, Bombay 1

AND

Their Employees.

In the matter of an industrial dispute re: payment of incentive bonus.

APPEARANCES:

Mr. N. A. Palkhiwala for the Companies.

Mr. N. V. Phadke with Mr. M. G. Kotwal for the Bombay Dock Workers' Union.

Mr. H. N. Trivedi with Mr. D. M. Tulpule of the Bombay Stevedores and Dock Labourers' Union for certain workmen.

AWARD

This is a reference by the Central Government under section 10 of the Industrial Disputes Act, 1947. The reference concerns a dispute between the three Companies named above and their employees in the Bombay Docks regarding "incentive bonus" claimed by the latter. The employees of the first two Companies are represented by the Bombay Dock Workers' Union and the employees

of the third by the Bombay Stevedores and Dock Labourers' Union. It is the Bombay Dock Workers' Union which has put in a statement of claim in this case.

2. The three Companies (hereinafter called the Companies) have been acting as Government contractors for clearance and transport of imported foodgrains since 1st June 1948 on terms which were agreed to between them and Government from time to time. The employees concerned in this reference are the workmen engaged by them for the purpose of clearing, filling and handling of Government foodgrains, flour and other foodstuffs in the Bombay Docks and transporting them to the places assigned. The number of workmen concerned in this dispute are approximately 2,500 but, as retrospective effect is claimed for the relief asked for, the number of workmen concerned in the dispute comes to about 3,000.

3. Early in 1951 the Bombay Dock Workers' Union made certain demands on the first two Companies named above. One of those demands was that Mathadi and Filling workers should be paid incentive bonus in accordance with the Bombay Port Trust Scheme. The dispute was referred to the Conciliation Officer, Central. A provisional agreement was arrived at between the parties in regard to work done on holidays and Sundays and the third shift. The agreement was signed by the parties on the 29th May 1951. The dispute with regard to other demands including the incentive bonus was kept pending by agreement. The Conciliation Officer made a report to Government regarding the above agreement in June 1951.

4. The contract taken by the three Companies for the year 1950-51 expired at the end of October 1951. Before the expiry of that contract Government invited tenders in September 1951. One of the conditions of the tender was that the contractors should commence clearance immediately after a steamship begins to discharge its cargo and that they should carry out all operations with maximum efficiency and speed. Government agreed to pay a bonus of 4 annas per ton of cargo discharged if the discharge exceeded 1,500 tons per 24 hours and no shed demurrage was incurred. These conditions were accepted by the three Companies called as parties to this reference and an agreement which was operative from the 1st November 1951 was signed by Government and the contractors on the 5th February 1952 (Ex. C-4).

5. In the meanwhile the dispute between the Companies and their employees under the agreement reached before the Conciliator on the 29th May 1951 which had been kept hanging under the terms of the said agreement continued before the Conciliator. A provisional agreement was reached before the Conciliator regarding wage rates between the first two Companies and the Union of their employees in November 1951 which was later on confirmed in December 1951 subject to certain modifications. Govan and Co. was not a party to this agreement but they paid wages according to the agreement entered into by the other two Companies with the Union in November 1951. The rates of wages agreed upon under the above arrangement were to be effective till the 7th January 1952.

6. Between the 7th January 1952 and 22nd March 1952 the Conciliator held as many as fourteen conferences but there was no agreement between the parties on the question of incentive bonus demanded by the Union and the allocation of "firm wages" demanded by them. On the 23rd March 1952 therefore the entire labour force of Messrs. Bachharaj Trading Corporation Ltd., and Messrs. Mathurdas Kanji and Co. and only the filling labour of Messrs. R. G. Govan and Co. went on a lightning strike.

7. It appears that there was some correspondence between the three Companies and Government on the question of incentive bonus claimed by the workmen. Government replied to them on the 14th February 1952 (Ex. U-10) that it was their intention that the bonus of 4 annas per ton of cargo discharged should go to the labour. The Conciliator apprised the Union and the Companies of this intention of Government. In spite of it the Companies refused to accede to the demand of the Union to pay to the workers the incentive bonus which Government had agreed to pay.

8. Apprehending that the matters were heading to a crisis the Conciliator called a conference of the representatives of the Companies as well of the Union on the 22nd March 1952. In the course of the discussion that took place in the conference the Conciliator told the contractors that it was apparent from the correspondence between the Government and the contractors that the entire amount of bonus granted by Government should be paid to the workers. The representatives of the Companies challenged this view and stated that there was nothing in the agreement entered by them with Government to support that view.

The parties could not come to an agreement on the question of incentive bonus but the Conciliator succeeded in bringing about a provisional settlement in regard to the wage rates. The settlement was signed by the parties on the 24th March 1952. After setting out the revised wage rates the agreement proceeded to state that it would be open to either party, that is, the contractors or the Union, to terminate or revise the agreement in respect of rates of wages paid to the labour when the question of allocation of bonus is decided between Government and the contractors. It was agreed that the workers should resume work from the 25th March. But the dispute with regard to the incentive bonus remained hanging fire. The Union carried on correspondence with Government on this question. Ultimately when the Union approached the Honourable the Minister for Labour of the Government of India with a request to settle the dispute Government made the present reference to me on the 10th October 1952.

9. The three Companies have put in separate written statements but they have raised a common defence. Govan and Co. was not a party to the settlement between the Bombay Dock Workers' Union and the first two Companies named above arrived at before the Conciliator on the 24th March 1952. The first two Companies contend that the present reference is incompetent and I have no jurisdiction to entertain it relying on the following clause in the agreement dated the 24th March 1952:

"It will be open to either party, i.e. the Contractors and the Union, to terminate or revise this Agreement in respect of the rates paid to the labour when the question of the allocation of bonus is decided between the Government and the Contractors."

10. It is urged on behalf of the two Companies referred to above that neither party gave any notice terminating the aforesaid agreement prior to the reference of the dispute to me nor raised any dispute which could validly be referred to adjudication. They submit that the dispute between the parties having been settled on the terms recorded in the agreement and, as that agreement is still in force, and no dispute has arisen on that account, the present reference is invalid.

11. The dispute with regard to the incentive bonus was pending before the Conciliator even prior to the 1st November 1951 when the agreement between the three Companies and Government became operative. The points at issue with regard to incentive bonus were discussed in the conferences held by the Conciliator (Central) with the representatives of the Union as also the two Companies mentioned above before the settlement dated the 24th March 1952 was reached between them. After a long discussion with the representatives of the employers and employees the Conciliator provisionally fixed the wage rates till the dispute with regard to incentive bonus was decided and submitted a report to that effect to Government. Government has had time and opportunity to go through that report. After going through it it made the present reference.

12. The order of reference states that Government was of opinion that a dispute exists between the three Companies and their employees with regard to incentive bonus. The question as to whether a dispute exists or not is to be decided by applying a subjective test and not an objective test. That is abundantly clear from the provisions of section 10 of the Industrial Disputes Act (as amended). Under the amended section Government is empowered to refer a dispute for adjudication not only when an industrial dispute exists but also when it is apprehended. I think therefore the reference by Government is in order and valid in law.

13. There is no substance in the contention that the Union should have terminated the agreement dated the 24th March 1952 before pursuing the present dispute to its logical conclusion. It must be remembered that the agreement is only with regard to wage scales and not in regard to incentive bonus. The Union does not wish to get out of the operation of the agreement by challenging the wage rates mentioned therein. In fact, the Union wants to give effect to the proviso in the agreement which enables it to continue the dispute with regard to the incentive bonus. The agreement is clear that the wage rates could be revised in the light of the decision on the dispute with regard to incentive bonus. I cannot therefore accede to the contention advanced on behalf of the Companies.

14. Now coming to the question whether the workmen of the three Companies are entitled to the incentive bonus, it is quite clear to me that it should go to them and not to the employer Companies. Bonus is a gratuitous payment to a workman over and above his wages. It is granted as a reward for his contribution of labour towards production and is calculated to serve as an incentive towards greater or more efficient production. If that is so, it stands to reason that it should go to the workman who actually contributes labour, and not to his

employer who has no part to play in the actual production. The bonus in this case was payable if the rate of discharge of cargo exceeded 1,500 tons in 24 hours. It was the labourers who could effect quicker and speedier discharge of cargo. With the best of intentions the employer would not be able to bring about a quick discharge of cargo unless the labour felt impelled to do so.

15. The dispute raised by the workmen with regard to incentive bonus was pending when Government decided in September 1951 to grant it and later on incorporated it as a condition in the agreement entered into with the Clearing Agents. If so, the intention of Government in granting it must clearly have been that that benefit should go to the labour. To the Clearing Agents Government offered an increase of 25 per cent. over the old contract rates from the 1st November 1951. The increase in the contract rates and the grant of an incentive bonus to workmen for quick discharge of foodgrains while Government renewed the contract from the 1st November 1951 were therefore received with satisfaction both by the employers and the Union of the employees.

16. That it was their intention that the bonus agreed upon under the contract commencing from the 1st November 1951 should go to the labour was made quite clear by Government in their letter (Ex. U-10) addressed to the three Companies. But the Companies were in no mood to accept the view expressed by Government. That they themselves were not clear in their minds in the beginning as to whom the bonus should go, is clear from the fact that they suggested to the Conciliator that the whole of the amount could not go to the employees and that it could be paid only at the end of the year when they would be in a position to properly assess what amount of profit the contract had brought them. But later on they changed this hesitant and oscillating attitude and contended that on a proper interpretation of the agreement no part of the bonus could go to the employees. In order to give no room for complaint and to avoid trouble Government had to make the present reference and withhold the payment of the bonus to the contractors.

17. The Companies have nothing to pay from their pocket to meet the demand of their labour for incentive bonus. They are entitled to get the amount from Government. But they should not retain it but must give it to those who have earned it. There can be no doubt that it is the labour that has earned it. To retain the bonus in their hands and appropriate it to themselves would only mean that they want to increase their profit at the cost of labour. It may be that the Companies apprehended that their profit would come down on account of the wage rates they agreed to pay to their labour. But that is no reason why they should deny to their employees what is their due in law and in equity. They have made a provision for the above contingency in the agreement by leaving it open to either party to terminate the agreement settling the wage rates when the question of bonus is finally decided.

18. Equities also are all in favour of the employees getting the amount of incentive bonus. The employees who are claiming the bonus are all piece-rate workers. They have no steady and continuous flow of income. Their earnings depend upon the number of ships arriving bringing foodgrains or foodstuffs. Import of foodgrains by Government, we know, is on the decline. The employees are all treated by the Companies as temporary workmen. They are not entitled to gratuity, provident fund and other benefits which their brother workers get under the Port Trust or from the Stevedore Association. The dock workers under the Port Trust and stevedore workers under the Dock Labour Board are entitled to incentive bonus. If so, there is no reason why foodgrain contract labour, who do not get the same benefits as their brother dock labourers, should not get the incentive bonus.

19. Mr. Palkhiwala urged that the only ground on which the employees claimed incentive bonus before the Conciliator as well as in the pleadings before this Tribunal is that there is a contractual obligation on the Companies to part with the bonus in favour of the employees and that therefore it is not open to them to shift their ground now and claim the amount on grounds of equity or any other consideration. I cannot accept the view, propounded by Mr. Palkhiwala. If a party to a dispute has claimed a relief on some ground but if it is found that he is entitled to the same relief on some other ground, I think, even a Civil Court can grant the relief on such other ground. An Industrial Tribunal which has to dispense social justice can certainly, in my opinion, grant such relief not on the ground urged in the pleadings but on grounds other than those put forth there if such grounds can be supported on considerations of equity and good conscience.

20. Mr. Palkhiwala invited my attention to the case made out by the Union in its statement of claim, particularly in paragraphs 8 and 12 thereof, to show that

the Union has only relied on the contractual obligation of the Companies in support of its demand. A careful perusal of the above paragraphs will show that what the Union states in those paragraphs is that it was the intention of Government that the benefit of the incentive bonus should go to the workers and that the employers should not appropriate it to themselves. There is no contractual obligation referred to in any of the above paragraphs.

21. Mr. Palkhiwala urged that the relevant clause in the agreement entered into between the Companies and Government does not lend itself to any such construction as has been sought to be placed upon it by the Union and, in fact, that clause clearly shows that it was the intention of Government that the bonus should go to the employers. The relevant clause in the agreement reads as follows:

"5(c) The contractors shall commence clearance immediately after a steamer begins to discharge cargo and shall carry out all operations with maximum efficiency and speed with a view that a ship does not incur any demurrage, maximum despatch money is earned and the sheds are cleared of all grains, sweepings, etc., within the free period allowed by the Port. They shall be entitled to a bonus of As. 4 per ton in respect of any ship in which the rate of discharge exceeds 1,500 tons per 24 hours and no shed demurrage is incurred. They shall also be liable to a penalty of As. 8 per ton if the rate of discharge falls below 900 tons per 24 hours or shed demurrage is incurred unless the Regional Director (Food), Bombay is satisfied that the shortfall in discharge or shed demurrage was for reasons beyond the contractors' control."

The above clause, it is clear, prescribes the duties of the contractors. The clearance work is done by the labourers and the efficiency in carrying out the operations prescribed under the agreement depends upon the efficiency of the labour. Although the clause, referring to the Contractors, states that "they shall be entitled to a bonus of 4 annas per day", it is evident that the bonus is granted for the actual work of discharge of cargo done by the labourers and the bonus which accrued due on that account was to be received by the contractors from Government for the eventual benefit of the workers. In a contract between Government and the contractors to which the employees are not parties, it was quite natural for Government to say that the contracting party shall receive the bonus. Whether they are bound to part with it in favour of their employees is a question which has to be decided from the intention of the parties to be gathered from the agreement read as a whole and from other circumstances. I cannot therefore agree with Mr. Palkhiwala when he contends that under the terms of the contract between the Government and the Companies the latter are entitled to the benefit of incentive bonus and that this is the only construction which could be put upon the clause referred to above.

22. There is a penal provision in the clause referred to above to the effect that the contractors shall be liable to pay a penalty of 8 annas per ton if the rate of discharge falls below 900 tons for 24 hours or shed demurrage is incurred unless the Regional Director (Food), Bombay is satisfied that the shortfall in the discharge or shed demurrage is for reasons beyond the contractors' control. Relying on this clause Mr. Palkhiwala argued that the penalty imposed by the agreement as well as the benefit of bonus granted under it must go together and, if the contractors are to be penalised for the shortfall in the discharge or shed demurrage, it follows that they must be entitled to the benefit of the incentive bonus.

23. The incentive bonus, as I have already stated, is intended to goad the workers to put in greater effort and more efficient work. The penalty is intended to prevent the contractors from allowing the discharge to fall below the given datum line. If for any reason which is not beyond their control, such as mismanagement, lack of sympathy with the reasonable demands made by labour, etc., the contractors force the workers to go slow and there is not an adequate turnover by the workers, certainly it was for the contractors to take the consequence and pay the penalty. If the contractors did not meet the reasonable demands of the workers such as the grant of the incentive bonus, there was the danger of the workers going on strike or going slow. It was to prevent such a contingency, I think, the penal clause was put in in the agreement.

24. One of the conditions on which bonus is made payable is not only that the discharge exceeds 1,500 tons for 24 hours but that no shed demurrage is incurred. Mr. Palkhiwala contended that the shed demurrage does not depend upon the employees' effort and that such demurrage has to be incurred by contractors when transport is not available to them. He therefore relied upon the condition as to

shed demurrage and stated that that clause indicates that it was the intention of Government that the bonus should go to the contractors, and not the workers. I cannot agree with this view. Shed demurrage is incurred not only when there is no transport available for the goods stacked in the sheds but also when there is no labour available for transport from the sheds or the labour adopts a go-slow policy. If the workers employ a go-slow policy by adopting an unreasonable attitude the contractors are exempted from the penalty provided in the agreement if the Regional Director (Food), Bombay is satisfied that it was a reason beyond the contractors' control. If the transport is not possible for want of wagons the same clause exempts the contractors from their liability to pay the penalty. But that does deprive the workmen of their incentive bonus. I do not think, therefore, there is anything in the clause mentioned above to support the view propounded on behalf of the Companies.

25. Lastly, it was urged on behalf of the Companies that they paid higher rates of wages to the employees than what they had stipulated to pay under the tender invited by Government and during the conciliation proceedings they agreed to pay much higher rates of wages than what the employers in comparable concerns pay to their employees and, therefore, the demand of the Union for incentive bonus is unconscionable and unreasonable.

26. There is no proof that the wage rates which the Companies agreed to pay to their workers under the agreement dated the 24th March 1952 are unreasonable or that they are higher than what employers in comparable concerns pay to their employees. Under the contract which came into operation from the 1st November 1951 Government had given to the contractors an increase of 25 per cent. over the former rates.

27. The rates which the contractors offered to pay to labour under their tenders indicated only the minimum. It was not open to the contractors to pay to their workers lower rates. Besides, the contractors agreeing to pay wages to their employees at a given rate can be no bar to the employees claiming the incentive bonus. The agreement entered into by the Union with the two Companies specifically leaves the employee's right to claim the bonus open. The contractors have safeguarded their interest by providing in the agreement that it is open to either party to terminate the agreement in respect of wage rates when a decision is reached between Government and the contractors on the question of incentive bonus. It is clear therefore, that there is sufficient material in the agreement to repel the contention advanced by the Companies.

28. Mr. Palkhiwala argued that if this reference succeeds the clerical and other staff employed by the Contractors will also be entitled to the incentive bonus. But the present dispute is raised by the workmen concerned in the clearance, filling and handling of Government foodgrains, flour and other food-stuffs and their transport and they alone will be entitled to the incentive bonus. I therefore direct the Companies to pay to the workmen concerned in this reference incentive bonus referred to in clause 7(2) of the agreement (Ex. C-4) with effect from the 1st November 1951. The arrears shall be paid within two months from the date on which this award becomes enforceable. The bonus shall be distributed *pro rata* according to the wages of each worker entitled to it.

(Sd.) S. H. NAIK,
Industrial Tribunal.

(Sd.) K. R. WAZKAR,
Secretary,
Bombay, 31st August 1953.

[No. I. R. 3(177).]

A. P. VEERA RAGHAVAN, Asstt. Secy.

ORDER

New Delhi, the 21st September 1953

S.R.O. 1191.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Dalmia Cement (Bharat) Limited, Dalniapuram, and their employees in the quarries of the Company in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7 and clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri E. Krishnamurthi, M.A., B.L., Industrial Tribunal, Madurai, shall be the sole member and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

- (1) Compensation for involuntary unemployment during certain periods between March and June 1953.
- (2) The work of laying permanent way in all the three quarries and removal of moorum to be undertaken by the Company direct instead of through a contractor.
- (3) Revision of work-load for persons employed on (i) hand drilling, (ii) machine drilling and breaking, and (iii) machine drilling and loading.
- (4) Payment for lead and lift and for outturn in excess of the minimum work-load. Payment for work done if trucks are not supplied according to work load.
- (5) Revision of basic wage.
- (6) Grant of annual increments and weightage for service.
- (7) Privilege and sick leave.
- (8) Housing and grant of house rent allowance.
- (9) Dearness allowance.

[No. LR-4(348).]

N. C. KUPPUSWAMI, Dy. Secy.